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as a separate compilation

## NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 4th May, 1964 :—

Issue No.	No. and Date	Issued by	Subject
116	S.O. 1515, dated 1st May, 1964.	Ministry of Finance	Exempting all dealers, refiners etc. and all other person from the operation of sub-rule (3) of rule 126 C of the Defence of India Rules, 1962.
117	S.O. 1516, dated 2nd May, 1964.	Delimitation Commission.	Delimitation of assembly constituencies in the Union territory of Pondicherry.
118	S.O. 1517, dated 2nd May, 1964.	Ministry of Information and Broadcasting.	Approval of films specified therein.
119	S.O. 1518, dated 4th May, 1964.	Cabinet Secretariat	Amendments in the Government of India (Allocation of Business) Rules, 1961.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

## PART II—Section 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

## ELECTION COMMISSION, INDIA

New Delhi, the 4th May 1964

S.O. 1614.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the election petition No. 7 of 1964, presented to the Commission on

( 1897 )

24th April, 1964, under section 81 of the said Act, by Shri Sheel Bhadra Yajee, son of Shri Sheotahal Singh, Resident of village Bakhtiarapur, P.O. and P. S. Bakhtiarapur, District Patna, calling in question the election to the Council of States by the elected members of the Legislative Assembly of the State of Bihar of Shri Rajendra Prasad Jain, son of Shri Sumat Prasad, C/o. Shri Shanti Prasad Jain, Alipur Place, Calcutta (West Bengal).

# IN THE COURT OF ELECTION TRIBUNAL,

Through

The Election Commission of India,

1, Aurangzeb Road,  
New Delhi.

ELECTION PETITION No. 7 OF 1964.

*In the matter of,*

an application under sections 80 and 81 of Representation of the People Act, 1951,

AND

In the matter of, an application challenging the election of the Respondent No. 1 who has been elected as a member of Rajya Sabha from the Legislative Assembly Constituency of Bihar.

AND

*In the matter of*

Shri Sheel Bhadra Yajee son of Shri Sheotahal Singh resident of village Bukhtiarapur, P.O. and P.S. Bakhtiarapur District-Patna.—*Petitioner.*

*Versus*

1. Shree Rajendra Prasad Jain son of Shree Sumat Prasad, resident of 11-A, Kidwai Puri, Patna (as stated in the nomination paper) actually residing at C/o. Shri Shanti Pd. Jain, Alipur Place, Calcutta, West Bengal.

2. Shri Rambahadur Singh son of Shri Sheetal Prasad Singh, resident of village and Post Office Chhotalpatli, Dist.—Darbhanga.

3. Shri Awadheshwar Prasad Sinha son of Shri Dhanushdari Sinha, resident of village Manipur Dahila, P.O. Dahila, District Muzaffarpur.

4. Shri Brajkishore Prasad Sinha son of Shri Indradeo Narain Singh, resident of village and Post Office Sheotar, District-Gaya.

5. Smt. Jahan Ara wife of Shri Jaipal Singh, resident of village Sirom toli, District Ranchi.

6. Shri Chaudhary A. Mahammad son of Shri A. Gaffar Chaudhary, resident of village and P.O. Musabani, Singhbhum.

7. Shri Shisir Kumar son of Shri Suraj Prasad Sinha, Mohalla Babu Bazar, Arrah, District-Shahabad.

8. Shri Anand Chand son of Raja Bijoy Chand, Ramnagar House, Boring Road, Patna-1.

9. Shri Janki Nandan Singh son of Shri Ganpati Singh, resident of village Prasad, Post Office Madhepur, District-Darbhanga.

10. Shri Parmanand Kejriwal son of Shri Johari Mal Kejriwal, resident of village Bhagwanpur, P.O. Muzaffarpur, District Muzaffarpur.

11. Shrimati Maharani Durgeshwari Shahi wife of Maharja Gopeshwar Prasad Shahi, resident of Hathwa House, Patna-1.

12. Shri Girija Nandan Singh son of Shri Jamuna Prasad Singh, resident of village and Post Office Khilwat, District-Muzaffarpur.

—*Respondents.*

The humble petition on behalf of the above named petitioners Most Respectfully Sheweth:—

1. That the petitioner and the Respondents were candidates for the election of eight members for Raja Sabha from the Bihar Legislative Assembly.

2. That the dates for filing the nomination papers for the election of the said members were fixed from the 4th March, 1964, to the 11th March, 1964.

3. That the petitioner and the Respondents filed their nomination papers on different dates before the Secretary Bihar Legislative Assembly who was appointed as the Returning Officer for the said election.

4. That the scrutiny of the nomination papers was held on the 13th March, 1964, on which date the Returning Officer was pleased to accept the nomination papers of all the candidates namely the petitioner and the Respondents.

5. That the Respondent Nos. 11 and 12 namely Maharani Durgeshwari Shahi and Shri Girija Nandan Singh, who were independent and socialist party candidates respectively, withdrew their candidatures on the 16th March, 1964, and did not contest the election.

6. That the poll took place on the 26th March 1964 and on the same day after the counting, the result was announced according to which the Respondent Nos. 1 to 8 were declared elected.

7. That the Respondent No. 9 who was an Independent candidate the Respondent No. 10 who was contesting on behalf of Swatantra Party and the petitioner who was a Congress candidate were announced to have been defeated in the said election.

8. That the petitioner and Respondent Nos. 2 to 6 were contesting the election on behalf of the Congress and the Respondent Nos. 7 and 8 were contesting on behalf of Praja Socialist Party and Swatantra Party respectively and the Respondent No. 1 was an Independent candidate.

9. That the Bihar Legislative Assembly consists of 318 members out of which 205 represent Congress, 47 Swatantra Party, 30 Praja Socialist Party, 7 Socialist Party, 12 Communist Party, 4 Jan Sangh Party and the rest are Independent members.

10. That altogether 309 votes were polled out of which 4 votes were rejected.

11. That the votes received according to the counting held on 26th March 1964 are as follows:—

Name of candidates	First counting of First preference	Final Counting
1. Shri Anandchand.	2300	3389
2. Shri Permanand Kojriwal	2300	Eliminated
3. Shri Chaudhary A. Mohammad	2800	3295
4. Smt. Jahan Ara	2900	3389
5. Shri Rajendra Pd. Jain	3000	3389
6. Shri Sheel Bhadra Yajee	2400	2710
7. Shri Shishir Kumar	3200	3389
8. Shri Awadheshwar Pd. Sinha	3300	3645
9. Shri Janki Nan dan Singh	1900	Eliminated
10. Shri Braj Kishore Pd. Sinha	2800	3389
11. Shri Ram Bahadur Sinha	3600	3389

12. That the quota sufficient to secure the return of a candidate was 34 votes i.e. 3400 which was to be secured by First preference.

13. That the Congress having strength of 205 votes set forth 6 candidates to contest in the said election so that all the candidates may be elected without any doubt by first preference of the votes.

14. That the Congress divided its votes in 6 groups and necessary mandate was given to each group of voters to vote for a particular candidate with first preference and their signatures were also obtained earlier to the poll.

15. That the following voters who are members of the Bihar Legislative Assembly on behalf of the Congress were grouped together and were directed by the Congress authorities to vote for the petitioner with their preference:—

1. Shri Mangal Pd. Yadav.
2. Shri Vija Kishore Vidyalkar.
3. Shri Jhulan Singh.
4. Shrimati Uma Pand.
5. Shri Ramchandra Sahi.
6. Shri Chandra Madhav Prasad Singh.
7. Shrimati Ram Sukumari Devi.
8. Shri Tej Narain Ishwar.
9. Shri Mishri Singh.
10. Shri Jadunandan Jha.
11. Shri Jagarnath Pd. Swatantra.
12. Shrimati Sailbala Rai.
13. Dr. Balkunth Ram.
14. Shri Bholanath Das.
15. Shrimati Maya Devi.
16. Shri Sukhdeo Choudhary.
17. Shri Sheo Shankar Singh.
18. Shrimati Lila Devi.
19. Shri Ram Narayan Choudhary.
20. Shrimati Medini Paswan.
21. Shri Baldeo Pd.
22. Shri Ram Jatan Singh.
23. Shri Kauleshwar Das.
24. Shrimati Sarswati Choudhary.
25. Shri Dasu Singh.
26. Shrimati Manorma Devi.
27. Shri Sheo Puja Rai.
28. Shrimati Raj Kumari Devi
29. Shri Ram Kishun Singh.
30. Shri Chetu Ram.
31. Shri Birendra Nath Rai.
32. Shri Pal Deyal.
33. Shri Suresh Chandra Mishra.
34. Shri Jadunandan Murmu.

16. That the voters who belong to other parties had also been grouped and directed to vote for the candidates of their parties with first preference.

17. That the Respondent no. 1 being an independent candidate, having no political background and residing outside Bihar had no group or party or voter, to support his candidature.

18. That the Respondent No. 1 is a relation of Shri Ram Krishna Dalmia and Shri Shanti Prasad Jain and is a big capitalist with sufficient fund to purchase votes by paying any amount to any voter.

19. That Shri Vishwanath Prasad Verma residing at Sahay Bhawan Patna-1 was the Election Agent of the Respondent No. 1 in the said election and Shri S. R. Dutta residing at Mithapore, Patna-1 was the worker and agent of the Respondent No. 1.

20. That the Respondent No. 1, his Election Agent and his worker (with the consent of Respondent No. 1 and his Election Agent) committed corrupt practice of bribery under section 123(1) of Representation of the People Act 1951.

21. That the Respondent No. 1, his Election Agent and his worker (with the consent of Respondent No. 1 and his Election Agent) paid money to several voters of this petitioner and of other candidates and secured their votes of first preference in favour of Respondent No. 1 and thereby committed corrupt practice, the particulars of some of which have been given in Schedule 1 of the petition.

22. That the Respondent No. 1 his Election Agent and his worker (with the consent of Respondent No. 1 and his Election Agent) offered and promised to offer money to several voters including that of the petitioner's for the purpose of obtaining their votes, the particulars of which has been given in Schedule 1 enclosed herewith.

23. That it would be evident from the perusal of the Ballot papers that the Respondent No. 1 received the votes of the voters of the petitioner and of other candidates of other parties and this was done only by committing corrupt practice since the Respondent No. 1 has no other alternative for securing votes.

24. That if the votes received by the Respondent No. 1 by means of corrupt practices are eliminated the petitioner would be duly elected by majority of valid votes.

25. That the counting and scrutiny of the Ballot papers were done contrary to the provisions of Part VII of the Conduct of Election Rules 1961.

26. That the Ballot papers which were fit to be rejected were wrongly counted in favour of Respondent No. 1.

27. That the votes received by Respondent No. 1 were not valid votes and as a matter of fact the petitioner received the majority of valid votes and so the petitioner is fit to be declared elected.

28. That the Respondent No. 1 is a big businessman and he has got subsisting contracts with the Central Government and the authorities of the Central Government both for supplies of goods and for execution of work undertaken by Government and hence he is disqualified for being chosen and for being a member of House of Parliament (Rajya Sabha).

29. That the Respondent No. 1 is disqualified for being chosen and for being the members of Rajya Sabha because he is Director, Managing Agent, Manager and Secretary of various companies and corporations in which the Central Government has 25% or more shares.

30. That the election of Respondent No. 1 is illegal and void and is fit to be set aside.

31. That the petitioner has deposited Rs. 2,000/- as Security Money under section 117 of Representation of the People Act 1951, the Treasury Chalan of which is enclosed herewith.

It is, therefore, prayed that your honour may be pleased to admit this application, call for the records of the case and after hearing the parties be further pleased to declare the election of Respondent No. 1 to be void and be further pleased to declare the petitioner to be duly elected member of Rajya Sabha or pass any order or orders as your honour think fit and proper.

And for this petitioner shall ever pray.

SHEEL BHADRA YAJEE,  
Signature of the petitioner  
Date: 22-4-64

#### Verification

I, Sheel Bhadra Yajee son of Sheotahal Singh, resident of village Bakhtiarpur, Post Office and P. S. Bukhtiarpur, District—Patna, do hereby affirm and state that the contents of this petition have been read over and verified by me at Patna on the 22nd day of April 1964.

1. That the contents of paragraph 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 24, 30 and 31, are true to my knowledge.

2. That the contents of paragraph 18, 20, 21, 22, 23, 25, 26, 27, 28, 29 are based on reliable information which are believed to be true.

SHEEL BHADRA YAJEE,

Signature of the petitioner

Date: 22-4-64

#### SCHEDULE I

*Particulars of corrupt practice mentioned at paras 20 and 21 of the Election petition.*

Names of the persons who Com- mitted corrupt practice of Bribery by making payment to the voters for votes of 1st preference in fa- vour of Respondent No. 1.	Dates	Place	Names of the voters who were paid money to vote for Respondent No. 1 with 1st preference
Shri Rajendra Prasad Jain, The Respondent No. 1.	25-3-64	36, Assembly flat Gardener Road, Patna-I.	Shri Jagannath Prasad 'Swatantra' M.L.A.
Shri Vishwanath Prasad Verma, C/O Sahay Bhawan, Patna-I.	26-3-64	Orthodox, Chamber M. II. R. Block, Patna-I.	Shri Chetu Ram, M.L.A.
Election Agent of the Respondent No. 1.	24-3-64	Flat No. 48, Gardener Road, Patna-I.	Shrimati Maya Devi, M.L.A.
Shri S. R. Dutta, Mithapore, Patna-I.	25-3-64	Flat No. 49, Gardener Road, Patna-I.	Shri Mangal Prasad Yadav M.L.A.
The worker of the Respondent No. 1.	25-3-64	Assembly club No. 80, Gardener Road, Patna-I.	Shri Jadunandan Murmur, M.L.A.

Several other voters were also paid money by the Respondent No. 1 and his Agents for securing their votes of 1st preference in favour of Respondent No. 1.

SHEEL BHADRA YAJEE,

Signature of Petitioner.

Date: 22-4-64.

#### Verification

I, Shee Bhadra Yajee son of Shri Sheotahal Singh resident of village Bakhtiarpur, Post, Office and P.S. Bakhtiarpur, District Patna, do hereby affirm and state that the contents of this *Schedule I* have been read over and verified by me at Patna on the 22nd day of April 1964.

1. That the contents of *Schedule I* are based on reliable information which are believed to be true.

SHEEL BHADRA YAJEE,

Signature of the petitioner

Date: 22-4-64

## SCHEDULE II

*Particulars of corrupt practice mentioned at Para 20 and 22 of the Election Petition*

Names of the persons who offered money and promised to pay money for securing votes of 1st preference in favour of Respondent No. 1.	Dates.	Place	Name of the voters who were offered money to vote for Respondent No. 1 with 1st preference
Shri Rajendra Prasad Jain Respondent No. 1.	25-3-64	Old family type quar- No. 15, R. Block, Patna-1.	Shri Shiva Pujan Rai, M.L.A.
Shri Vishwanath Prasad Verma, C/O Sahay Bhagawan, Patna-1. Respondent No. 1.	24-3-64	Assembly flat No. 90, Gardener Road, Patna-1.	Shri Ram Jatan Singh, M.L.A.
	25-3-64	M.L.A. Club, 80. Gardener Road, Patna-1	Shri Ram Kishan Singh, M.L.A.
Shri S. R. Dutta. Worker of Respondent No. 1.	24-3-64	Bhawarpokhar, Patna-4.	Shri Mustaque Ahmed Sha M.L.A.
	26-3-64	Flat No. 42, Gardener Road, Patna-1.	Shri Ramnarain Chou- dhary, M.L.A.

Such offers were made to other voters also by and on behalf of Respondent No. 1 for securing votes with 1st preference.

SHEEL BHADRA YAJEE,  
Signature of Petitioner,  
Date : 22-4-64.

*Verification*

I, Sheel Bhadra son of Shri Sheotahal Singh resident of village Bakhtiarapur, Post Office and P. S. Bakhtiarapur District Patna, do hereby affirm and state that the contents of this Schedule II have been read over and verified by me at Patna on the 22nd, Day of April 1964.

1. That the contents of Schedule II are based on reliable information which are believed to be true.

SHEEL BHADRA YAJEE,  
Signature of the petitioner  
Date: 22-4-64

## FORM 25

*Affidavit*

(See Rule 94-A)

I, Sheel Bhadra Yajee son of Sri Sheo Tahal Singh resident of Bakhtiarapur P. S. Bakhtiarapur District Patna the petitioner in the accompanying election petition calling in question the election of Shri Rajendra Prasad Jain (Respondent No. 1 in the said petition) make solemn affirmation/oath and say as follows:—

- (a) that the statements made in paragraphs X of the accompanying election petition about the commission of the corrupt practice of X and the particular of such corrupt practice mention in paragraphs X of the same petition and in paragraph X of the Schedule annexed hereto are true to my knowledge.
- (b) That the statement made in paragraphs 20, 21, 22 of the said petition about the commission of the corrupt practice of Bribery under section 123(i) of R.P. Act 1951 and the particulars of such corrupt practice given in paragraphs 20, 21, 22 read with Schedule I, II of the said petition and in several lines of the Schedule I and II annexed thereto are true to my information.
- (c) etc.

SHEEL BHADRA YAJEE,  
Signature of deponent.

Solemnly affirm sworn by Shri Sheel Bhadra Yajee at this 22nd day of April 1964.

Before  
Magistrate of the First class/  
Notary/Commissioner of oath.  
[No. 82/7/64.]

"Here specify the name of the corrupt practice."

*New Delhi, the 5th May 1964*

**S.O. 1615.**—In pursuance of sub-section (6) of Section 116A of the Representation of the People Act, 1951, (43 of 1951), the Election Commission hereby publishes the decision of the High Court of Rajasthan at Jodhpur given on the 21st October, 1963, 3rd February, 1964, and 2nd March, 1964, on an appeal from the order dated the 23rd October, 1962, of the Election Tribunal Jaipur.

# IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

## JUDGEMENT

Sardar Mal

Vs.

Smt. Gayatri Devi

D. B. Civil Election Appeal No. 41 of 1963, against the judgement of the Member, Election Tribunal, Shri Kameshwar Dayal, dated the 23rd October, 1962, in Election Petition No. 324 of 1962. Date of Judgement: October 21, 1963.

**PRESENT:**

The Hon'ble Mr. Justice I.N. Modi.

The Hon'ble Mr. Justice P. N. Shinghal.

Mr. M. B. L. Bhargava } for the Appellant.  
Mr. B. S. Sharma }

Mr. C. L. Agarwal } for the respondent.  
Mr. H. P. Gupta }

*Per Hon. Shinghal J.*

This is an appeal by Sardarmal under section 116A, of the Representation of the People Act, (hereafter referred to as the Act) against the order of Election Tribunal, Jaipur dated October, 23, 1962, dismissing his election petition under section 90(3).

Respondent Smt. Gayatri Devi, the Maharani of Jaipur, contested the third general election to the Parliament from the Jaipur constituency and was declared elected on March, 1, 1962. Her election was challenged by Sardarmal, the present appellant, who is an elector of the same constituency by an election petition which was presented on April 16, 1962, on the ground that she, and her agents and supporters with her consent, committed certain corrupt practices at the election. Speaking broadly, the allegations were that the successful candidate was guilty of the corrupt practices of (i) Bribery, (ii) appeal to voters on the ground of religion, caste and community, (iii) hiring and procuring of vehicles for the conveyance of voters to certain polling stations and (iv) incurring or authorising of expenditure in contravention of section 77 of the Act. The corrupt practices were mentioned in paragraph 4 of the election petition. The petitioner enclosed three annexures giving further details of some of the corrupt practices. At the first hearing of the petition before the election Tribunal on July, 16, 1962, a written statement was filed by Smt. Gayatri Devi. Thereafter the case was adjourned to August 6, 1962, for the settlement of issues. On that date the counsel for Smt. Gayatri Devi made an application that some of the petitioner's allegations were "extremely vague" and should be struck off. The counsel for the petitioner prayed for and obtained an adjournment to amplify the particulars, but this was not done on September 1, 1962, which was the next date of hearing. It was on September 6, 1962, that the petitioner presented an application to amplify some of the particulars of the corrupt practices. A reply to that application was made on September 16, 1962, and the matter was fixed for arguments on September, 22, 1962. On that date Mr. Agarwal, counsel for the respondent, made an application under section 90(3) of the Act for the dismissal of the election petition on the following ground,—

- "(1) That in the copy of the petition that has been supplied to the respondent, there is no attestation by the petitioner under his signature of main petition, or annexures A. & B. that the said copies of the petition or annexures A and B are true copies of the original petition and the said annexures.
- (2) That under section 81(3) of the Representation of the People Act, 1951, it is mandatory for a petitioner to supply a copy for the Respondent attested by the petitioner under his own signature to be true copy of the petition".



September 28, 1962, was fixed by the Tribunal for the hearing of both the objections. It appears that Sardarmal filed an affidavit on October 19, 1962, stating that the copy of the petition filed by him was a true copy and that he had attested it at the end of annexure C, under his own signature, to be a true copy, as he had been advised by his counsel to regard the annexure as a part of the petition and he believed that to be the correct advice. Ultimately, the learned Tribunal passed an order on October 23, 1962, allowing the respondent's objection that the petitioner had not complied with the requirement of section 81 (3) of the Act in so far as the attestation of the respondents' copy of the petition was concerned, and dismissed the petition under section 90 (3) of the Act. At the same time, the Tribunal upheld the other objection of the respondent about the vagueness of some of the allegations of the corrupt practices, rejected the petitioner's application for their amplification, and struck them off, observing that its decision on that point was merely of an academic nature as the election petition had failed on a preliminary point. It is against this order of the learned Tribunal that Sardarmal has preferred the present appeal.

Thus, the first question for consideration in this appeal is whether the learned Tribunal was justified in dismissing the election petition under section 90(3) on the ground that the petitioner had not complied with the requirement of sub-section (3) of section 81 of the Act about the attestation of the respondent's copy of the petition in the prescribed manner. In this connection it is necessary to mention that the copy of the election petition, which is said to have been served on the respondent, was placed on the record during the course of the trial, and it is not disputed that it is an absolutely correct copy of the original. It is also not in dispute that the petitioner has complied with the other requirement of sub-section (3) of section 81 about the filing of the requisite number of the copies with the petition.

It has been argued by Mr. Bhargava on behalf of the appellant that the petitioner has complied with the provisions of sub-section (3) of section 81 of the Act and that, at any rate, these provisions are directory and the learned Tribunal erred in holding that they were of a mandatory nature. He has argued that the use of the word "shall" in the sub-section should not lead to the inference that its requirements are imperative, and that the mere fact that sub-section (3) of section 90 provides for the dismissal of an election petition which does not comply with the provisions of section 81 could not also justify a contrary view because it is not always that a provision is held to be mandatory simply because a penalty is provided for its breach. It has been pointed out that although there was a provision in section 117 of the Act from the very beginning (until its partial amendment by section 32 of Act 58 of 1958) requiring the petitioner to enclose with the petition a Government Treasury receipt showing that the specified amount had been deposited by him either in a Government Treasury or in the Reserve Bank of India, in favour of the Secretary to the Election Commission as security for the costs of the petition, and, although section 90 contained a provision (until its amendment by section 50 of Act 40 of 1961) to the effect that the Tribunal shall dismiss an election petition which did not comply with the provisions of section 117, the Supreme Court has all along taken the view that section 117 is not to be strictly or technically construed and that a substantial compliance of its provisions is quite sufficient. The learned counsel has cited *K. Kamaraja Nadar V. Kunju Thevar and others*<sup>(1)</sup>, *Chandrika Prasad Tripathi V. Shiv Prasad Chanpuria and others*<sup>(2)</sup>, *Budhi Nath Jha V. Manilal Jadav*<sup>(3)</sup> and *Kaushalendra Prasad Narain Singh V. Nand Kishore Prasad Singh and others*<sup>(4)</sup> in support of this contention. Moreover, he has argued that the Tribunal erred in taking a hyper-technical view of the requirement of section 81 (3) regarding the attestation of the copy of the petition, and has supported his argument by reference to *Gian Chand Puran Chand V. Smt. Om Prabha Jain and another*<sup>(5)</sup> *Murarka Radhey Shyam Ramkumar V. Roop Singh Rathore*<sup>(6)</sup> and the Supreme Court's judgment dated May 7, 1963, (not reported so far) in *Morarka Radhey Shyam Ram Kumar's case* (Civil Appeals Nos. 30 and 31 of 1963). It has been pointed out that the object of sub-section (3) of section 81 is only to ensure that the petitioner files the required number of true copies with the election petition, and takes responsibility for their correctness, by attesting them to be true copies under

(1) 14 E.L.R. 270 (S.C.).

(2) A.I.R. 1959 Supreme Court 827.

(3) 22 E.L.R. 86 (S.C.).

(4) 22 E.L.R. 484, (S.C.).

(5) A.I.R. 1950, Punjab 66

(6) 1963, R. L. W. 56.

his own signature, so that the Election Commission may have no difficulty in publishing, without delay, a copy of the petition in the official gazette and in serving a copy of each one of the respondents. Mr. Bhargava's argument therefore is that as long as the main purpose of securing the delivery of correct copies of the petition to all concerned is achieved, the question of dismissing the petition under section 90(3) should not arise. In short, Mr. Bhargava's case is that since the petitioner had furnished an absolutely correct copy of the election petition and had attested the last page of its last annexure to be a true copy, under his own signature, he had amply complied with the requirement of section 81(3) of the Act. At any rate that should, according to the learned counsel, be considered to be a substantial compliance with the provisions of the Law and that in view of the decision of their Lordships of the Supreme Court in *State of Uttar Pradesh and others v. Baburam Upadhyaya* <sup>(7)</sup>, the provisions of the sub-section should be held to be directory because that interpretation would alone give effect to the real intention of the Legislature.

On the other hand, Mr. Agarwal has argued on behalf of the respondent that if Mr. Bhargava's contention is upheld it would have the effect of rendering the last clause of sub-section (3) of section 81 nugatory and that this could not be the intention of the Legislature because it had clearly provided in the sub-section that it would not be enough for the petitioner to file the copies of the election petition in the prescribed number but that it was also necessary for him to attest them under his own signature to be true copies of the original petition. It is urged that this last requirement of the sub-section has not been complied with because the petitioner has not attested the election petition according to the law and the attestation of annexure 'C' thereof could not be held to be an attestation of the petition itself. The learned counsel has urged that, as has been held in *Quebec Railway, Light, Heat and Power Company Limited v. Vandry and others* <sup>(8)</sup>, the Legislature is deemed not to waste its words or to say anything in vain and that there is no reason why the usual rule that effect must be given, if possible, to all the words used in a statute should not apply. Further, the learned counsel has invited attention to *Woodward v. Sarsons* <sup>(9)</sup> for the general rule that "an absolute enactment must be obeyed or fulfilled exactly". For the same proposition, reference has been made to *Punjab Co-operative Bank, Ltd. v. Commissioner of Income-tax, Lahore* <sup>(10)</sup> which follows Woodward's case.

At the same time, Mr. Agarwal has placed considerable emphasis on the use of the word "attested" in sub-section (3) of section 81 and has argued by reference to its meaning in Black's law Dictionary and in Roland Burrows "Words and Phrases Judicially Defined", that "to attest" is to bear witness to a fact and that the significance of the word is the same as that attached to the requirement for the attestation of a will under the Succession Act or a mortgage under the Transfer of property Act. In this connection, our attention has also been invited to rule 2(2) of the Conduct of Election Rules, 1961 which requires that the mark placed by a person who is unable to write his name shall be attested by the returning officer or the presiding officer or such other officer as may be specified in that behalf by the Election Commission. It has been urged that, as has been held in *Rattan Anmol Singh and another v. Ch. Atma Ram and others* <sup>(11)</sup>, the attestation of a thumb-mark under that rule is on the same footing as the attestation in the cases of a will or a mortgage etc. Mr. Agarwal has further argued that considerations of equity cannot be invoked to the trial of an election petition because a jurisdiction under the Act is an entirely new and unknown jurisdiction and that special jurisdiction should be exercised only in accordance with the law which creates it, as has been held in *N. P. Ponnuswamy v. Returning Officer, Namakkal and others* <sup>(12)</sup> and *Jagan Nath v. Jaswant Singh and others* <sup>(13)</sup> and lastly Mr. Agarwal has argued that as the Supreme Court has laid down in *Baru Ram v. Prasanni and others* <sup>(14)</sup>, whenever the statute requires a particular act to be done in particular manner and also lays down that failure to comply with the said requirement leads to a specific consequence, it would be difficult to accept the argument that the failure to comply with the said requirement should lead to any other consequence.

(7) A.I.R. 1961 Supreme Court 751.

(8) A.I.R. 1920 Privy Council 181.

(9) (1875) X.L.R. (CP) 733.

(10) A.I.R. 1940 Privy Council 230.

(11) A.I.R. 1954 Supreme Court 510.

(12) I.E.L.R. 133 (SC).

(13) 9. E.L.R. 231 (SC).

(14) 16. E.L.R. 450 (SC).

In order to appreciate the controversy, it would be convenient to refer to the wordings of section 81(3) of the Act which run as follows,—

"81(3) Every election petition shall be accompanied by as many copies thereof as there are respondents mentioned in the petition and one more copy for the use of the Election Commission, and every such copy shall be attested by the petitioner under his own signature to be a true copy of the petition."

There can thus be no doubt that the requirement of the law is that the main election petition shall, at the time of its presentation to the Election Commission, be accompanied by as many copies thereof as there are respondents as well as an extra copy for the use of the Election Commission, and that every one of those copies shall be attested, under the petitioner's own signature, to be a true copy of the petition. The question is whether these requirements have been fulfilled.

There can be little doubt, however, that the use of the word "shall" in a statute is not always conclusive to prove that its requirement is mandatory. It would be sufficient to refer to the decision of their Lordships of the Supreme Court in *Hari Vishnu Kamath v. Ahmad Ishaque and others* (15) that an enactment in form mandatory might in substance be directory, and that the use of the word "shall" does not conclude the matter. So also, their Lordships have laid down in *M/s. Sanik Motors, Jodhpur and others v. State of Rajasthan* (16) that although the word "shall" is ordinarily mandatory, it is sometime not so interpreted if the context or the intension otherwise demands. In *Collector of Monghyr and others v. Keshav Prasad Goenka and others* (17) it has been held that the employment of the auxiliary verb "shall" is inconclusive for the purpose of deciding whether the requirement of a statute is mandatory or directory. These pronouncements can leave no room for doubt that the mere use of the word "shall" in sub-section (3) of section 81 cannot lead to the inference that its requirements are mandatory in nature.

Similarly, it cannot be said to be an absolute rule of interpretation that where a penalty is prescribed for breach of a provision of the statute, that should necessarily, and in all cases and circumstances, lead to the inference that it is mandatory. Mr. Agarwal has no doubt urged on the authority of *Baru Ram's case* (14), that where the statute [Section 81(3) of the Act] requires a particular act to be done in a particular manner and also lays down [in section 90(3)] that failure to comply with that requirement would lead to the dismissal of the election petition, it would be difficult to accept the argument that the failure to comply with the requirement should lead to any other consequence. But it does not appear to me that their Lordships of the Supreme Court have laid this down as an exclusive and universal test for judging the nature of a statute, even if their observation is interpreted to be any such test. In support of my view point I would rest content by referring to the decisions of their Lordships in the cases of *K. Kamaraja Nadar* (1), *Chandrika Prasad Tripathi* (2), *Budhinath* (3) and *Kausheendra Prasad Narain Singh* (4). All these cases relate to the failure on the part of the petitioner to comply strictly with the original provisions of section 117 of the Act which required that a petitioner "shall" enclose with the petition a Government Treasury receipt showing that a deposit of the prescribed sum of money had been made by him either in a Government Treasury or in the Reserve Bank of India in favour of the Secretary to the Election Commission as security for the costs of the petition. In *K. Kamaraja Nadar's case* (1), the petitioner made the deposit but failed to make a mention in the challan that the deposit was in the name of the Secretary to the Election Commission. In spite of the fact that section 90(3) of the Act made a provision for the dismissal of an election petition for failure to comply with the provisions of section 117, their Lordships held that the words "in favour of the Secretary to the Election Commission" used in section 117 were directory and not mandatory in their character. Their Lordships looked to the essence of the provision of the section and held that it required that the petitioner should furnish security for the costs of the petition, and should enclose along with the petition a Government Treasury showing that a deposit of one thousand rupees had been made by him either in a Government Treasury or in the Reserve Bank of India and that deposit was at the disposal of the Election Commission to be utilised by it in the manner authorised by law and was under its control and payable on a proper application being made in that behalf to the Election Commission or to any person duly

(15) A.I.R. 1955 Supreme Court 233.

(16) A.I.R. 1961 Supreme Court 1480.

(17) A.I.R. 1962 Supreme Court 1964.

authorised by it to receive the same, be he the Secretary to the Election Commission or any one else. Further, their Lordships held that if it could be shown by evidence led before the Election Tribunal that the Government Treasury receipt or the challan which was obtained by the petitioner and enclosed by him along with his petition was such that the Election Commission could, on a necessary application, be in a position to realise the said sum for payment of the costs of the successful party, it would be sufficient compliance with the terms of section 117. In Chandrika Prasad Tripathi's case <sup>(2)</sup>, the security deposit was not even made in the name of the Election Commission and the petitioner added a rider in the challan that the security would be refundable by order of the Election Commission. Even then, their Lordships of the Supreme Court held that an objection that the defect should entail the dismissal of the petition under section 90(3) was "purely technical" and they referred to K. Kamaraja Nadar's case with approval holding that section 117 "should not be strictly or technically construed" and that "wherever it is shown that there has been a substantial compliance with its requirements the Tribunal should not dismiss the election petition under section 90, sub-section (3), on technical grounds". In Budhi Nath Jha's case <sup>(3)</sup> the treasury deposit was not, on the face of it, in favour of the Election Commission or its Secretary and it did not also show that the deposit was made on account of the costs for any particular election. Their Lordships however held that literal compliance with the terms of section 117 was not intended and that substantial compliance was enough, and they referred to their earlier decisions while reaching that conclusion. So also, in Kaushalendra Prasad Narain Singh's case <sup>(4)</sup>, their Lordships held that the matter of primary importance is the deposit of the amount, which may be at the disposal of the Election Commission, and that if the security is deposited, a venial error in describing the name of the person in whose favour the amount was deposited would not affect the validity of the deposit. These decisions of their Lordships of the Supreme Court were given in what Mr. Agarwal calls a "now" or "unknown" jurisdiction, but they leave no room for doubt that even if a penalty is prescribed for breach of a particular provision relating to procedure in a special enactment, that would not by itself be sufficient to justify the argument that the provision must necessarily be held to be mandatory. It would follow, therefore, that Mr. Agarwal's argument that all the provisions of section 81(3) should be held to be mandatory simply because section 90(3) provides for the dismissal of an election petition which does not comply with its requirements, is not a correct proposition of the law in all circumstances.

The question then is what should be the governing rule of interpretation for purposes of the present controversy. In this connection the following extract from Maxwell on "The Interpretation of Statutes", Eleventh Edition, p. 364, is useful,—

"It has been said that no rule can be laid down for the determining whether the command is to be considered as a mere direction or instruction involving no invalidating consequence in its disregard, or as imperative, with an implied nullification for disobedience, beyond the fundamental one that it depends on the scope and object of the enactment. It may, perhaps, be found generally correct to say that nullification is the natural and usual consequence of disobedience, but the question is in the main governed by considerations of convenience and justice, and, when that result would involve general inconvenience or injustice to innocent persons, or advantage to those guilty of the neglect, without prompting the real aim and object of the enactment, such an intention is not to be attributed to the Legislature. The whole scope and purpose of the statute under consideration must be regarded. The general rule is, that an absolute enactment must be obeyed or fulfilled exactly, but it is sufficient if a directory enactment be obeyed or fulfilled substantially."

Even more important are the following observations of their Lordships of the Supreme Court in Collector of Monghyr's case <sup>(17)</sup>,—

"The question whether any requirement is mandatory or directory has to be decided not merely on the basis of any specific provision which, for instance, sets out the consequences of the omission to observe the requirement, but on the purpose for which the requirement has been enacted, particularly in the context of the other provisions of the Act and the general scheme thereof. It would, *inter alia*, depend on whether the requirement is insisted on as a protection for the safeguarding of the right of liberty of person or of property which the action might involve."

It now remains to apply the above test to the facts of the present case. In this connection, a brief reference may be made to the circumstances in which sub-section (3) of section 81 of the Act came to be inserted by Act 40 of 1961 (Section 17). The original section 90 of the Act as it stood in 1951 required that the Tribunal shall publish a copy of the election petition in the official Gazette and serve a copy on each respondent. That provision was amended by section 49 of Act 27 of 1956 and it was provided in section 86(1) that this requirement would be carried out by the Election Commission after which the case would be referred to the Election Tribunal for trial. The same provision continues to exist now but it appears that the Election Commission experienced some difficulty in giving effect to it in the absence of a requirement for the filing of the required number of true copies of the petition at the time of its presentation because it took some time to prepare those copies. This appears to be the reason why sub-section (3) was inserted in section 81 by section 17 of Act 40 of 1961. A reference to clause 17 of the "Notes of Clauses" accompanying the Statement of Objects and Reasons of the Bill which led to the enactment of Act 40 of 1961, confirms this impression. In fact it is obvious from the wordings of the sub-section that its purpose is to make the true copies of the petition available at the time of its presentation, in the required number, so that they may be served on the respondents and published in the official Gazette without delay. The other requirement that every such copy shall be attested by the petitioner under his signature to be a true copy of the petition, is a provision which has a two-fold purpose. Firstly, it is meant to lend an assurance that the copies are true copies of the original petition and, secondly, it has the effect of fastening responsibility on the petitioner for their accuracy. To my mind, this is the purpose and the scheme of this provision. If, therefore, it can be shown that the purpose of the requirement providing for the attestation of the copies of the election petition has been served, that would be quite sufficient, for the words "every such copy shall be attested by the petitioner under his own signature to be a true copy of the petition" have no other object and are clearly directory and not mandatory. It is the essence of the provision which is important and it would be wrong to hold that a literal and narrow interpretation should be placed merely for the reason that the Legislature has used the word "shall" while prescribed the requirement as to the attestation of the copies and has provided the so called "penalty" in sub-section (3) of section 90.

It has been argued that if the Legislature had the intention that the provisions of sub-section (3) of section 81 should not be mandatory, it was not necessary to incorporate it in section 81 and that it could, in that case, have formed part of section 83. While it is not safe to hazard an opinion about the considerations which prevailed with the Legislature in deciding to incorporate the provision in section 81, it can, nonetheless, be said that section 83 would not have been a proper place for its insertion as that section deals with the contents of an election petition and does not relate to its presentation. At any rate, nothing seems to turn on the fact that the provision has been incorporated by way of sub-section (3) of section 81 and not elsewhere.

I may here consider two other arguments of Mr. Agarwal in order to get them out of the way. The learned counsel has argued that, on the plain wordings of section 83, an election petition cannot be said to include any schedule or annexure appended to it and that an attestation of an annexure is very different from an attestation of the petition itself. It has been pointed out that sub-section (2) of section 83 uses the words "schedule of annexure" as distinct from the election petition. I am unable to think that there is any force in this contention. The scheme of section 83 seems to be that it requires that the election petition shall contain a concise statement of the material facts on which the petitioner relies and also full particulars of any corrupt practice that he alleges. This is followed by a provision for the signing and verification of the petition and then there is a provision in sub-section (2) that any schedule or annexure to the petition shall also be signed and verified in the same manner as the petition. It does not seem to me that this provision has the effect of giving an altogether separate identity to the schedule or annexure (which the petitioner may enclose with the petition) because the scheme of the section is that it is optional for the petitioner to append any such schedule or annexure but that if he does so he has to verify it separately. This is far from saying that the schedule or the annexure is a thing distinct from the election petition. As far as I can see, it should not make any difference if a petitioner chooses to include any details in an annexure instead of incorporating them in the petition itself, which he is entitled to do under the law. If Mr. Agarwal's interpretation is accepted, it would lead to the startling result that in a case where the petitioner includes any of the particulars of a corrupt practice alleged by him in an annexure to the petition, that annexure could not be said to form an integral part of the petition even though it may have considerable importance for the

purpose of challenging the election and may be the pith and substance of the petition. In Black's Dictionary on which Mr. Agarwal has placed reliance, the word "annex" has been defined to mean "to make an integral part of something larger". There could be little doubt, therefore, that an annexure is as much an integral part of an election petition as its other contents. This view is supported by a reference to sections 81, 86, 89, 90(5) and 99(1) of the Act in which the term "election petition" has been used. In respect of none of them could it be said that where an annexure is appended to an election petition, that should be left out of the trial, or publication in the official Gazette, or service on the respondents, or that it could not be amended with the permission of the Tribunal etc. As it is, I am satisfied that the wording of sub-section (2) of section 83 are a convenient way of laying down the requirement for the signing and verification of an annexure or schedule appended to an election petition, and nothing more. The argument, therefore, that an annexure is not an integral part of the election petition is futile and must be rejected.

I do not consider it necessary to examine, in any detail, Mr. Agarwal's other argument that the person who attests a document bears witness to it within the meaning of the Indian Succession Act or the Transfer of property Act or the Registration Act. It would be sufficient to say that in Black's Law Dictionary, one of the meanings given to the word "attest" is "to affirm to be true or genuine,.... to certify." It is futile, therefore, to argue that the attestation contemplated in sub-section (3) of section 81 is of the nature of an attestation of a signature of an illiterate person within the meaning of rule 2(2) of the Conduct of Election Rules, 1961, or the attestation of a will or a deed of mortgage etc.

There is thus no force in any of the objections of Mr. Agarwal. The fate of the case will depend on the application of the well established principles of interpretation of statutes referred to above and not merely on any abstract consideration like the use of the auxiliary verb "shall" or the existence of a provision for the dismissal of an election petition in default of any compliance with the requirement of sub-section (3) of section 81 of the Act. I shall therefore proceed to apply those principles in order to decide whether the purpose and the general scheme of the Act have been duly served by the copy of the election petition which has been filed and delivered to the respondent in the instant case.

It is not in dispute that (i) Sardarmal's election petition was accompanied by its copies, (ii) these copies were supplied in the required number so that one copy was available for each respondent, (iii) one more copy of the petition was supplied with the petition for the use of the Election Commission, (iv) all the copies were absolutely correct copies of the original petition, (v) the last page of annexure C (which was the last annexure), was attested to be a true copy, and (vi) that attestation was made by the petitioner under his own signature. The petitioner has thus complied with the requirement of sub-section (3) of section 81. It has been urged that he did not attest the first page of the petition to be a true copy and did not sign the other pages as well, and that this defect is sufficient for the dismissal of the petition. I am not persuaded that there is any force in this submission. It would be recalled that the petitioner filed an affidavit on October 19, 1962, to the effect that he was advised by his counsel to regard annexure C of the petition as a part of the petition and to make an attestation at the foot of that annexure that the copy was the true copy of the entire petition. Further, he stated in that affidavit that he believed that advice to be true and carried it out. There is no reason to think that this explanation is false. At any rate, no provision of law prescribing the mode of attestation of such copies has been brought to our notice and it cannot therefore be said that the contention of the respondents' learned counsel that a true copy must always be attested as such on its first page, or on the first and the last pages, is necessarily correct. It seems to me that if the petitioner attested the last page of the petition to be a true copy, it cannot justifiably be said that he had not made any attestation. It does not also matter that the petitioner, while making that attestation, did not say in so many words that the copy was attested by him to be true copy of the original petition. An attestation as "true copy" was quite sufficient, for it is obvious that it was meant to be an attestation to the effect that it was the true copy of the original petition. I have no doubt, in these circumstances, that the petitioner has made the necessary attestation. At any rate, he has substantially complied with the requirement for making the attestation and that should be quite sufficient. Any other view of the matter would, in my opinion, defeat the real aim and object of the enactment instead of promoting it, and would perpetrate an injustice. What the petitioner has done is enough not only to make the required number of copies of the election petition available to the Election Commission forthwith for service on the respondent and publication in the official Gazette, but also to give an assurance that those copies were true copies of the original petition, about the accuracy of which the petitioner

had taken personal responsibility by making the necessary attestation to that affect on the last page.

It is important to mention in this connection that there is not even a remote suggestion on behalf of the respondent that she has, in any way, been prejudiced in her defence by the kind of attestation which the petitioner has made on the copy served on her. As a matter of fact she had no hesitation in accepting her copy as correct and filed her written statement at the first hearing of the election petition on July 16, 1962. It was after several other adjournments that her learned counsel thought it proper to raise the technical objection on September 22, 1962, that the copy had not been attested according to the law and that the petition deserved to be dismissed under section 90(3) of the Act. I have no doubt that, for the reasons already mentioned, this objection is futile and must be rejected. It has to be remembered that procedure is meant to facilitate justice and not to undo it, and I can do no better than quote the following observations of their Lordships of the Supreme Court in *Sangram Singh v. Election Tribunal Kotah* (18),—

"Now a code of procedure must be regarded as such. 'It is procedure', something designed to facilitate justice and further its ends; not a penal enactment designed to trip people up. Too technical a construction of sections that leave no room for reasonable elasticity of interpretation should therefore be guarded against (provided always that justice is done to both sides) lest the very means designed for the furtherance of justice be used to frustrate it."

The view which I have taken not only serves the aim and the object of the enactment but it has the further advantage of doing justice to the both sides. The hyper-technical view taken by the learned Tribunal cannot be justified and must be over ruled.

Before leaving this point, mention may as well be made of Mr. Agarwal's remaining argument that a part of a provision of a law cannot be held to be directory so as to waive its strict compliance, when the other part of it is of a mandatory character. The contention is that as that part of sub-section (3) of section 81 of the Act which requires the filing of the required number of the true copies of the election petition along with the petition, is mandatory, the other part of the same section which provides for the attestation of those copies as true copies cannot be held to be directory. It would be enough to say in this connection that a similar point arose for consideration before a Bench of this Court, in *Bijal Cotton Mills Ltd. through its General Manager M. L. Bhartiya v. the State of Rajasthan* (19), of which my learned brother Modi J. was a member, and it was held that a part of a single provision of law may be mandatory and another part thereof may be only directory, and that there is no such rule that the entire provision must be held to be mandatory or directory. I am in respectful agreement with that view.

Having disposed of this aspect of the case, it has now to be examined whether the learned Tribunal was justified in making the other order rejecting the petitioner's application dated September 6, 1962, under section 90(5) of the Act, for amplification of some of the particulars of the corrupt practices alleged by him and in striking off those allegations.

The petitioner, it appears, challenged the election of the respondent on the ground that she had committed the corrupt practices mentioned in paragraph 4 of the petition. The details of some of those corrupt practices have been mentioned in annexures A, B, and C. The respondent filed her written statement on July 16, 1962, denying the petitioner's allegations. On August 6, 1962, her learned counsel raised an objection that the allegations made in annexures A and B, and in items Nos. 4, 5, 7, 9, 10, 11, 12 and 13 of annexure C; were extremely vague for want of the necessary particulars and that those allegations should be deleted or struck off. Before that objection could be heard by the learned Tribunal, the petitioner filed the aforesaid application dated September 6, 1962, amplifying some of the particulars. After hearing the parties, the learned Tribunal rejected that application and struck off those of the allegations of the corrupt practices which were mentioned in the annexures to the original petition and were sought to be amplified by the application dated September 6, 1962.

(18) A.I.R. 1955 Supreme Court 425.

(19) I.L.R. (1959) 9 Raj. 1242.

It has been argued by Mr. Bhargava that the Tribunal took an unduly narrow view of the provisions of section 90(5) of the Act which authorised it, upon such terms as to costs or otherwise as it deemed fit, to allow the particulars of the corrupt practices alleged in the election petition to be amended or amplified. He has also urged that even if the Tribunal reached the conclusion that the particulars continued to remain vague in spite of their amplification, an opportunity should have been given to the petitioner to amend or amplify them once again because it was the Tribunal's duty to ensure a fair and effectual trial of the petition, and also because the petitioner had no opportunity of knowing which of the particulars were considered by the Tribunal to be vague or deficient in other respects. The learned counsel has placed reliance on *Balwant Singh v. Lakshmi Narain and others* (20) and *Bhikaji Keshao Joshi and another v. Brijlal Nandlal Biyani and others* (21). Reliance has also been placed on *S. Kandaswami v. S. B. Adityan* (22) for the submission that the object of insisting on such details or particulars is to prevent surprise at the trial and that it cannot mean a disclosure of the evidence which the petitioner has to let in. Mr. Bhargava has gone on to argue that the Tribunal is authorised to allow an amendment even when that involves the inclusion of new instance of the commission of corrupt practices, provided they relate to a charge contained in the petition. For this submission, he has placed reliance on *Harish Chandra Bajpal and another v. Triloki Singh* (23). In brief, Mr. Bhargava's submission is that the necessary particulars of the corrupt practices had been given in the main text of the election petition, its three annexures and in the application dated September 6, 1962 and that was enough.

Mr. Agarwal, learned counsel for the respondent, has, on the other hand, argued that the Tribunal rightly held the particulars of the corrupt practices to be deficient and that no duty was cast on the Tribunal to make an order requiring the petitioner to make good the deficiency when the petitioner got an opportunity to do so but did not care to avail of it and contended himself by making another defective application on September 6, 1962 which could not serve the purpose of amplifying the particulars to the required extent. In this connection it has been pointed out that while there was a provision in sub-section (3) of section 83 of the Representation of the People Act as it stood in 1951 requiring the Tribunal to allow the particulars of a corrupt practice to be amended, or to "order such further and better particulars" as were necessary for the purpose of ensuring a fair and effectual trial of the petition, that provision was amended when that sub-section was deleted from section 83 and a provision was made in sub-section (5) of section 90 instead. The new provision does not require the Tribunal to make an order for the supply of further and better particulars, and Mr. Agarwal has therefore contended that it was for the petitioner to supply the necessary particulars if he wanted that his allegations should be tried by the Tribunal. It is, however, unnecessary to consider the effect of the change in the law relating to the amendment of the particulars of the corrupt practices alleged in an election petition, for it is not in dispute that the petitioner was duly made aware of the respondent's objection regarding the deficiencies in the case of the particulars of some of the corrupt practices alleged by him and got an opportunity of rectifying them. There is nothing on the record to show that after making his application dated September 6, 1962, the petitioner wanted to make any further amplification or amendment of the particulars in question, and it could not be said to matter if the Tribunal proceeded to decide the respondent's objection about their vagueness, for the petitioner was already aware of the defects. No benefit can therefore be derived by the appellant's learned counsel from the decisions in the cases of *Bhikaji Keshao Joshi* and *Brijlal Nandlal Biyani*, referred to above.

I shall now examine whether the petitioner could be said to have complied with the requirements of section 83 which prescribes the contents of an election petition. For this, it is necessary to refer to a connected matter to which our attention has been invited by Mr. Agarwal.

The proviso to sub-section (2) of section 83 requires that where a petitioner alleges any corrupt practice, the petitioner "shall also be accompanied by an affidavit in the prescribed form in support of the allegation of such corrupt practice and the particulars thereof". The proviso was inserted by section 18 of Act 40 of 1961 and it is not in dispute that it has been complied with so far as the election petition is concerned. Under sub-section (5) of section 90, the Tribunal can allow

(20) 22 E.L.R. 273 (S.C.).

(21) 10 E.L.R. 375 (S.C.).

(22) A.I.R. 1959 Madras 288.

(23) 12 E.L.R. 461 (S.C.).



the particulars of any corrupt practice alleged in the election petition to be amended or amplified, and as such an amendment of amplification necessarily relates to the particulars of the corrupt practice alleged in the election petition, it is apparently necessary that it should fall within the ambit of the proviso to sub-section (2) of section 83. The filing of an affidavit in support of the amendment or amplified allegation of a corrupt practice and the particulars thereof is therefore equally necessary. This requirement has, however, not been fulfilled so far as the petitioner's application dated September 6, 1962 is concerned by which he sought to amplify the particulars of the corrupt practices alleged by him in his election petition. The defect was pointed out by the respondent's learned counsel in paragraph I of his reply dated September 15, 1962 and it was prayed that the petitioner's application deserved to be rejected summarily for that reason. In spite of that objection, the petitioner did not choose to file the affidavit although the case was taken up for hearing on several subsequent dates. As the defect has been allowed to remain unrectified, the learned Tribunal was justified in taking it into consideration in rejecting the petitioner's application. There is force in the argument that the defect is substantial, and the appellant's learned counsel has not shown how the amendment application could have been allowed in spite of it. That application must therefore be left out of consideration altogether and I shall proceed to consider the question whether or not the petitioner has supplied the necessary particulars of the corrupt practices alleged by him, with reference to the contents of the election petition itself.

According to section 83 of the Act, the petitioner has to make a concise statement of the material facts on which he relies and also to set forth full particulars of any corrupt practice that he alleges, including as full a statement as possible of (i) the names of the parties alleged to have committed the corrupt practice, (ii) the date of its commission and (iii) the place of its commission. In examining whether this requirement has duly been fulfilled in respect of those allegations which have been objected to in the respondent's application dated August 6, 1962, referred to above, I shall follow the serial order in which they have been mentioned by the petitioner.

*Paragraph 4(a) read with annexure A of the petition.*—The petitioner has alleged that the respondent was guilty of the corrupt practice of bribery mentioned in sub-section (1) of section 123 of the Act. He has given the following instances,—

(i) It is alleged that the respondent, and her agents and supporters with her consent, organised 'yagnas' during the period January 28, 1962 to February 10, 1962, in the temples of Tarkeshwarji, Dinanathji and Govinddevji in Jaipur City and in the temples at Amber, Phagi, Sambhar, Ddud and other places. The respondent is alleged to have visited these places on different dates, made offerings to the temples and given rewards to the priests and received their blessings. But the performing of 'Yagnas' or the making of offerings to temples and priests is not a corrupt practice and it has not been shown how it had the effect of influencing the voters. So this item has rightly been struck off by the learned Tribunal.

(ii) The petitioner has alleged that the respondent, and her agents and supporters with her consent, distributed wine bottles and sweets to the voters in Jaipur City on the night of February 20, 1962 and on February 21, 1962. The names of these agents and supporters have not been mentioned and there is also no mention of the place of the commission of the alleged corrupt practice. This part of the allegation therefore deserved to be rejected as vague.

There is, however, one more allegation in respect of this item. The petitioner has alleged that the respondent, and her agents and supporters with her consent, distributed 'laddoos' at the polling stations in Jaipur City on the respondent's behalf, on the polling day. As the names of the agents and the supporters have not been mentioned, the allegation deserved to be struck off to that extent, but as the petitioner had definitely alleged that the 'laddoos' were, at any rate, distributed by the respondent, on the polling day, and at all the polling stations in the city of Jaipur, there can be little doubt that all the three necessary particulars of the alleged corrupt practice have been supplied so far as that part of the allegation is concerned. It could not therefore be struck off, and has to be tried.

(iii) The respondent and her agents are alleged to have employed about 2,000 workers to vote and canvass for her on the promise that they would be paid Rs. 3/- to Rs. 5/- per day as reward. It is further alleged that they were actually paid for a period of one month. But it is not a corrupt practice for a candidate to employ persons for his or her canvass. Moreover, as the petitioner did not give the names of the persons who are said to have been employed to vote for

her, and did not specify the place of the commission of the corrupt practice, it cannot be said that the petitioner's allegation fulfilled the requirement of sub-section (2) of section 83 and it has rightly been struck off by the learned Tribunal.

(iv) It is alleged that, as a part of her election propaganda, the respondent, and her agents and supporters with her consent, were responsible for getting cheap grain shops opened in Chandpole Bazar and in Atish, in Jaipur City, on or about February 15, 1962, where, cheap grain was sold to the electors after extracting a promise from them that they would vote for the respondent. It has further been alleged that similar shops were opened at Sambhar and other places. These particulars are vague to the extent that the names of the agents and supporters of the respondent have not been given and the "other places" at which the corrupt practice was resorted to have not been specified. So also, there is the defect that no date of the commission of the corrupt practice has been mentioned so far as Sambhar is concerned. But the fact still remains that there is the residuary allegation that the respondent got cheap grain shops opened in Chandpole Bazar and Atish in Jaipur City on or about February 15, 1962, where cheap grain was sold to the electors after extracting a promise from them that they would vote for the respondent. All the necessary particulars having been supplied in regard to this part of the allegation, the learned Tribunal erred in striking it off as vague.

(v) The petitioner has also alleged that on or about February, 15, 1962, the respondent visited village Mamada and promised to pay Rs. 2,000/- to the Agarwal community for construction of their schools. A sum of Rs. 500/- is alleged to have been paid on the same day and the balance 2 or 3 days later through one Bhanu Pratap Singh of Dudu who is said to be the respondent's agent. The allegation cannot be said to amount to a corrupt practice for it has not been shown how the payment of the money had a bearing on the respondent's election prospects. It did not therefore deserve to be tried.

(vi) The respondent, her agents and supporters, it is alleged, made offerings to some temples between January 27, 1962 and February 10, 1962. She is also said to have made a promise to give silver doors to the temple of Shri Dinanathji. The place of the commission of the corrupt practice has not been given, the names of the agents and supporters have not been mentioned and it has not been shown how the alleged corrupt practice could be said to have influenced the voters. It has, in these circumstances, been rightly rejected as vague.

*Paragraph 4(d) read with Annexure B of the petition.*—It has been alleged in the election petition that the respondent, and her agents and supporters with her consent, committed and corrupt practice of the hiring and procuring of vehicles for the conveyance of electors to and from the polling stations within the meaning of section 123(3) of the Act. It has been mentioned in Annexure B that:—

- (a) the respondent "procured all the people of her husband's garage and were all used to bring the voters",
- (b) the respondent procured and hired at least 100 tongas in which voters were taken to the polling stations in Jaipur City,
- (c) the respondent procured five jeeps (of which the registration numbers have been supplied) in which voters were carried to the polling stations in the Chomu area, and
- (d) the respondent, and her agents and supporters with her consent, procured two jeeps (of which registration numbers have been given) and four tongas (of which also the registration numbers have been given) of the conveyance of voters to polling stations Nos. 30 and 31 in the Amber area.

The first of these allegations is of no consequence because the procuring of people for bringing voters does not necessarily mean that the voters were brought in hired or procured vehicles and so this allegation does not amount to a corrupt practice and did not require to be tried. As regards the second allegation, the petitioner has not furnished the particulars of the tongas which are said to have been used for the conveyance of voters and the names of the polling stations to which he said to have been used for the conveyance of voters and the names of the polling stations to which the voters were conveyed. Thus the petitioner has not mentioned the names (or given any other description) of the persons who conveyed the voters, or of the vehicles in which they were conveyed, or of the place or places where the alleged corrupt practice was committed. In the absence of these details, the allegation could not be tried by the learned Tribunal. The

third allegation about the use of the five jeeps is also vague. The petitioner has not given information regarding the polling stations to which the voters were conveyed, and so an essential part of the information has not been supplied. The tribunal was therefore justified in striking off the allegation as indefinite. The fourth allegation is about the use of the two specified jeeps and four specified tongas for the carriage of voters to polling stations Nos. 30 and 31 in Amber. That allegation is vague to the extent that the petitioner alleged that the corrupt practice was committed by the respondent's agents and supporters also, without giving their names. However, the remaining allegation that the respondent hired the aforesaid jeeps and tongas for the conveyance of voters to the two specified polling stations, is quite definite and the learned Tribunal erred in rejecting that allegation.

It may be mentioned that Mr. Agarwal has argued that the particulars of a corrupt practice of this nature cannot be said to be satisfactory in the absence of the names of the voters who were alleged to have been conveyed in the vehicles, and he has cited *Sheonarayan Vaidya v. Saruarnal Lalwanti* <sup>(24)</sup> *Siniheswar Prasad Varma v. Kamalnath Tiwari* <sup>(25)</sup> and *Krishna Kumar v. Krishna Gopal* <sup>(26)</sup> to support his contention. The short answer to the objection of Mr. Agarwal is that the question about the sufficiency of the particulars of a corrupt practice of this nature came up for consideration before their Lordships of the Supreme Court in *Balwant Singh v. Lakshmi Narain and others* <sup>(20)</sup> and it was held that a petition which sets forth the particulars about the use of a vehicle for conveying voters to and from the polling station, with details as to the time and place, coupled with as full a statement as possible in support of the plea that the vehicle was hired or procured by the candidate or his agent or any other person, substantially complies with the requirement of the law. It may also be mentioned that in *S. Kandaswami's case* <sup>(22)</sup> it has been held by the Madras High Court that the particulars could not be held to be insufficient merely because the names of the voters who were conveyed by the vehicle were not given. The matter has to be viewed and decided in the light of the facts and circumstances of each case, and this court's decision in *Krishna Kumar's case* <sup>(20)</sup> (to which I was a party) cannot be interpreted to lay down an abstract or an absolute rule that the names of the electors alleged to have been carried by a vehicle to a polling station must always be disclosed at the outset. As has been clarified in that judgment, the point was considered and decided "in the circumstances" of that case only. Similarly, the cases of *Sheonarain Vaidya* and *Singheswar Prasad Verma* are, with all respect, not of much importance in view of the law laid down by their Lordships of the Supreme Court in *Balwant Singh's case*.

*Paragraph 4(e) read—with Annexure C of the Election Petition.*—The petitioner has alleged that the respondent incurred or authorised expenditure in contravention of section 77 of the Act, the limits of which have been prescribed in rule 90 of the Conduct of Election Rules, 1961. Thus the allegation is that the respondent committed a corrupt practice within the meaning of sub-section (6) of section 123 of the Act. The petitioner has stated in the election petition that the respondent's return of election expenses showing an expenditure of Rs. 19,000/- is incorrect as she has not mentioned the 13 items enumerated in Annexure C. The objection of the respondent is that items Nos. 4, 5, 7, 9, 10, 11, 12 and 13 of that Annexure are extremely vague and deserved to be struck off. These items have, therefore, to be considered separately,—

#### Item No. 4:

The petitioner has alleged that the respondent and her agents hired about 1,000/- cycles at Re. 1/- per day and that although a sum of Rs. 20,000/- were spent in that connection, it was not included in the return of election expenses. As the names of the agents have not been disclosed and as the particulars regarding the date and the place of the commission of the corrupt practice have not been given, the allegation is vague and has rightly been rejected by the learned Tribunal.

#### Item No. 5:

It has been alleged that the respondent employed about 4000 paid workers on the polling dates, and 1,000/- workers generally for a period of one month and that Rs. 25,000/- were thereby spent by her. As particulars of the date and the place of the commission of the corrupt practice have not been furnished, this allegation also suffers from vagueness and the Tribunal was justified in rejecting it.

(24) 4 E.L.R. 401.

(25) 21 E.L.R. 121.

(26) I.L.R. (1963) 13 Raj. 726.

*Item No. 7:*

The allegation is that the respondent offered at least Rs. 1,00,000/- as charity in the form of offerings to temples, donations to schools and other institutions, and rewards to pandits etc. It has not been mentioned what was the relation of this expenditure to the election canvass of their respondent. Moreover, the necessary particulars about the date and the place of the commission of the corrupt practice have not been mentioned and it deserved to be struck off.

*Item No. 9:*

It is alleged that the respondent did not include any expenditure on the holding of public meetings, processions erection of arches, etc. although she held at least 50 big meetings and about 100 small meetings and spent Rs. 5,000/- on them. The date and the place of the commission of the alleged corrupt practice have not been given and it could not therefore have been tried.

*Item No. 10:*

The respondent is said to have employed a drama party consisting of about 15 actors and actresses who staged dramas to canvass electoral support for her. It has further been alleged that the party went in a palace lorry and its travelling and other expenses were not less than Rs. 25,000/-. According to the petitioner, all this expenditure has been omitted from the return of election expenses filed by the respondent. As the petitioner has not given the dates and places of the staging of the dramas, and has not given the particulars of the person to whom the money was paid, the learned Tribunal was justified in holding that it was too vague to be tried.

*Item No. 11:*

The petitioner has alleged that at least 100 tongas in Jaipur, and a large number of tongas in other towns, were hired by the respondent and that she incurred much more expenditure on petrol and mobiloil than that shown in her return of election expenses. According to the petitioner, the respondent must have spent at least Rs. 20,000/- on this account. The allegation is undoubtedly vague for the date and the place of the commission of the corrupt practice have not been given.

*Item No. 12:*

It is alleged that the respondent, her agents and supporters, set up about 5000 boards in Jaipur City and other villages and towns and distributed flags to tonga-walas, rickshaw-pullers and shop-keepers in all the town and cities in the constituency. The names of the agents and supporters have not been disclosed. Similarly, the details as to the date and the place of the commission of the corrupt practice have not been given and therefore it has rightly been struck off by the learned Tribunal.

*Item No. 13:*

The allegation of the petitioner is as follows,—

"That expenditure in regard to posters, booklets, handbills etc. is shown much less.

Besides, the above the several other heads under which the expenditure was incurred or authorised by the respondent, but much less has been shown.

That the return filed by the respondent is false and the actual expenditure has exceeded the prescribed limits."

It does not require much argument to say that the allegation is totally vague and deserved to be struck off.

It would thus be seen that while some of the allegations regarding the commission of the corrupt practices mentioned above were vague and deserved to be struck off, the learned Tribunal was not justified in striking off those allegations of which the necessary particulars had been furnished. To the extent the Tribunal's order is unjustified, it has to be set aside for the reasons mentioned above.

In the result, I would partly allow the appeal, set aside the Tribunal's order dated October 23, 1962 dismissing the election petition under section 90(3) and order that the petition shall be tried according to the law. It would uphold the Tribunal's order rejecting the petitioner's application dated September 6, 1962, under section 90(5) of the Act, for amplification of some of the particulars of the alleged corrupt practices, but modify, to the extent mentioned above, the order striking off some of the allegations mentioned in the Annexures to the petition. The appellant would be entitled to recover Rs. 300/- as his costs from the respondent.

(Sd.) P. N. SHINGAL, J.

*Per Hon. Modi J.*

I have had the benefit of reading the judgment proposed to be delivered by my learned brother Shinghal J. To my regret I have formed on the main question of law arising in the case an opinion which does not coincide with him and therefore it has become necessary for me to record my views in a separate judgment.

The short question for decision in this election appeal is whether the provision contained in S. 81(3) of the Representation of the People Act, 1951 (Act No 43 of 1951 hereinafter called the Act), in so far as it lays down that every copy of the election petition filed by the election-petitioner thereunder shall be attested by him under his own signature to be a true copy of the petition, is mandatory or is merely directory. The learned judge of the Election Tribunal against whose decision the present appeal has been filed has held that it is mandatory. My learned brother Shinghal J. holds that this provision is directory and further that in any case the election petition filed in this case fulfils or substantially fulfils the requirement of attestation.

Now much of the difficulty that arises in connection with the interpretation of this provision is caused by the further provision contained in S. 90(3) of the Act which, *inter alia*, lays down that the Tribunal shall dismiss an election petition where it does not comply with the provisions of S. 81 notwithstanding that the same might not have been dismissed by the Election Commission under S. 85. Section 85 lays down that if the provisions of S. 81, among certain other sections with which we are not concerned, have not been complied with, the Election Commission shall dismiss the petition provided that the petition shall not be dismissed without giving the petitioner an opportunity of being heard.

*Ex facts*, the provision contained in S. 90(3) seems to be a compelling one, and this has given rise to an acute controversy in the present case, the election petitioner contending that any neglect or deficiency in complying with what is characterised as the technical requirement as to attestation laid down in S. 81(3) should be held to be directory while it is contended with equal insistence on the side of the contesting respondent that it is mandatory, and, therefore, a breach of that provision cannot but lead to the dismissal of the election petition.

Now, before I address myself to a solution of this question, the factual position may be briefly stated which indeed is not disputed. That is that the last page of Annexure C to the petition bears the following endorsement or attestation:

"True copy.

Sardarmal."

but there is no attestation on the main election petition or any of the other schedules. Again, it is not disputed that the copy of the petition supplied to the respondent is a correct copy of the original petition which was submitted to the Election Commission and which was in due course forwarded by it to the Election Tribunal for trial. The contention of Mr. Bhargava, learned counsel for the petitioner, is that the provision contained in S. 81(3) is purely directory, and that as it is not disputed and is indeed indisputable that the copy of the election petition supplied to the respondent is a correct copy of the original, the essential objective of S. 81(3) is fulfilled and that that section is and should be held to be merely directory, and that being so, the election tribunal fell into a serious error of law in dismissing the election petition as defective by virtue of the provision contained in S. 90(3) of the Act. A further point which seems to have been considered in this connection by the Tribunal was whether the endorsement on Annexure C to the petition to which I have made reference above is not a sufficient attestation and its answer was that it was not. This conclusion has not found favour with my learned brother.

I confess that the question as to the nature of the provision raised before us is not free from a certain amount of difficulty. The provision which we are called upon to interpret is a new one, and was for the first time introduced in the form in which it exists at present by the Amendment Act of 1961, and, therefore, there is a total lack of any direct judicial authority on the point raised in this case. It may be stated at once, however, that if the latter contention set out above is well-founded, that is, if the petition is duly attested as required by S. 81(3) then, as I look at the case, it may not be necessary at all to express any opinion on the other point raised before us, namely, whether S. 81(3) is mandatory or directory. I shall, therefore, consider this question first.

My learned brother Shinghal J. has formed the opinion that as the petitioner had put the attestation on the last page of the Annexure C, that is a good enough

attestation for the entire petition. This conclusion is obviously founded on the further premise that attestation of that Annexure amounts to attestation of the petition of which the former is an integral part.

This at once raised the question as to whether the attestation on the last annexure to the petition or for that matter on any annexure thereto can be properly accepted as attestation of the petition itself. Now, Section 83 deals with the 'contents' of an election petition. Its first sub-section provides that an election petition (a) shall contain a concise statement of the material facts on which the petitioner relies, (b) shall set forth full particulars of any corrupt practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the Commission of each such practice and (c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure for the verification of pleadings. There is a proviso to this sub-section which lays down that where the petitioner alleges any corrupt practice the petition shall also be accompanied by an affidavit in the prescribed form in support of the allegation of such corrupt practice and the particulars thereof. Sub-section (2) then provides that any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

It will thus appear that an election petition taken in its comprehensive sense would cover not only the main election petition but also any affidavit that may be filed along with it if and when it is necessary to do so, and it will also include any schedule or annexure to the petition. The further important thing to be noted in this connection is that Section 83 requires not only that the main petition be signed and verified by the petitioner but in its second sub-section further provides that any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

Now reading this provision along with sub-section (3) of S. 81, it seems to me, with all respect, that accepting that an attestation under the petitioner's signature of every page of each copy of the election petition, including the affidavit and the annexure appended to it to the effect that these are true copies of the originals is not considered necessary, the intention of the Legislature clearly seems to be that each one of these copies must be attested, that is not only the copies of the main petition but copies of the affidavit and/or the schedule annexed to it must also be attested separately or independently. The main consideration which impels me to come to this conclusion is that granting that the annexure or the schedule to a petition is an integral part thereof and really not something apart from it, Sec. 83 requires that these must be independently signed and verified by the petitioner and that the signature and the verification thereon must be in the same manner "as on the petition itself." Thus signature or verification on the main petition has not been considered sufficient by the Legislature to cover a like requirement with respect to the schedule or the annexure. *Per contra* it clearly seems to me that a signature or verification on the schedule will not and cannot amount to a signature on the petition or to its verification. For, if that were so, Sec. 83 should not have been drafted in the manner and the form in which it exists at present. This, in my opinion, necessarily leads to the conclusion that although the schedule might be an integral part of the petition, it is an independent part thereof and has an entity of its own. No other view, in my opinion, is reasonably possible. If that is the correct conclusion to come to, as I think that it is, then it further seems to me to follow that the requirement of attestation should be held to be applicable to each of the component parts albeit independent units of the election petition, using the latter expression in its comprehensive sense and therefore, copies of the main election petition would call for a separate attestation, that is independently of that made on its other component parts, wherever they might have been filed along with the petition and copies of these latter must also be separately attested as true copies of their original under the signatures of the petitioner.

From what I have stated above the conclusion that emerges is that attestation of a schedule is essentially distinct from attestation of the main petition and cannot properly amount to attestation of the petition itself, or *vice-versa*, in cases where the election petitioner has not merely filed an election petition, using the term in its narrow sense, but the same is accompanied by an affidavit or a schedule. Where however, the petitioner has filed an election petition, without more, that is, unaccompanied by an affidavit or a schedule, then attestation on the various copies thereof would be all that is necessary for reasons too obvious to mention.

It is necessary in this connection to consider the purpose of filing an affidavit or a schedule to an election petition. So far as the affidavit is concerned, the proviso to Sec. 83(1) says that where and in so far as the election petition is founded

on an allegation or allegations as to any corrupt practice, the petitioner must support the same and mention the particulars thereof in an affidavit which must accompany the election petition. It seems to me, under the circumstances, that without an affidavit, such allegations cannot be accepted as having been properly made. It is elementary that an affidavit, in the very nature of things, independently of the petition which it accompanies must be signed and verified according to law. As regards a schedule or annexure to the petition, it will obviously be pressed into use where the full particulars of a corrupt practice or of the material facts upon which the petitioner relies cannot be conveniently mentioned in the body of the election petition itself and are, therefore, furnished in the form of a schedule or annexure to the main petition. As a matter of fact, as the law stood in the original Act before it was amended by the Amendment Act No. 27 of 1956, the particulars of a corrupt or illegal practice were required to be given in a separate list or schedule setting forth the full particulars of the practices alleged and also as full a statement as possible as to the names of the parties alleged to have committed those practices at the date and place of commission thereof. This provision gave rise to difficulties inasmuch as it was held in certain decisions where the particulars were mentioned in the main petition that they could not be taken into consideration as they were not mentioned in a list or schedule. Apart from that, it is obvious that a good deal of repetition was likely to and did occur as between the petition proper and the list. It was because of some such considerations that S. 83 was recast leaving in effect an option to the petitioner to make his allegations together with the particulars thereof in the body of the main petition itself or to make use of a schedule or annexure to the petition for the purposes of mentioning the particulars if he so likes, and, therefore, there can be no getting away from the position that this is also an important adjunct to the petition proper and that is why the statute requires that it must be signed and verified by him in the same manner as the petition itself. It will thus appear that the affidavit and the schedule to an election petition wherever they are necessary or may properly be resorted to are not ancillary to the main petition but they are important additions to the petition proper, and it may even be said that they are part of the petition, using that term in its comprehensive sense. The point to be noted is that they fulfil an important and an essential role in the statement of the petitioner's case, and, therefore, it is that the Legislature has enacted that they should be separately signed and verified according to law.

It is in this setting that in my opinion S. 81(3) falls to be properly construed so far as the requirement of attestation is concerned, and the proper conclusion to come to in this connection clearly seems to me to be that not only all the requisite copies of the petition proper must be attested, but also the copies of the affidavit and the schedule accompanying such petition.

If this is an accurate analysis of the requirement of attestation under the Act of 1951, as I am led to think on a combined consideration of the provisions of Sections 81 and 83 of the Act that it is, then I find it not a little difficult to accept the view, with all respect, that attestation of the last schedule of the petition can properly amount to attestation of the other schedules or of the affidavit or of the election petition proper on the mere ground that the schedule is an integral part of the petition and therefore attestation of the schedule amounts to attestation of the petition itself. On the view I have felt persuaded to accept, I feel driven to the conclusion that each one of these component parts of the petition taken as a whole and in its comprehensive sense, as contradistinguished from its narrow connotation in the sense of the election petition proper, does require separate attestation having regard to the important role they play in the statement or narration of the petitioner's case and in laying a proper foundation for the same. This has obviously not been done in the present case (as it is only the last schedule which bears any kind of attestation) and, therefore, I am unable to accept under the circumstances that the petition proper or the remaining schedules and the affidavit accompanying the petition, or using the expression 'election petition' in its comprehensive connotation, the election petition itself has been at all attested. I hold accordingly.

This brings me to the further question as to whether the requirement of attestation provided for in Sec. 81(3) is mandatory or directory. As the section stood before it was amended in 1961, it did not require the election petitioner himself to supply the necessary number of copies of the election petition to the Election Commission with the result that the requisite number of copies for being served on the respondents had to be prepared in the Commission's office, and where the petition was a lengthy one with a number of schedules and annexures attached thereto and the number of respondents was also large, the task of preparing the requisite number of copies put the staff of the Commission to the strain of considerable expenditure of time and labour. It was to obviate this difficulty that the law was changed and the present provision was enacted which made it obligatory

for every petitioner to file an election petition with the requisite number of copies, and what is more, in order to ensure that each copy thereof supplied by the petitioner was a true copy of the original petition, a further obligation was laid on him that he must attest under his own signature every one of the copies supplied by him to be a true copy of the original petition. The word "attest" is a strong one, and, to my mind, the requirement under this section is not merely that the copy supplied as a matter of fact should be a correct copy of the original, for if that were the only essential object of the Legislature, then the requirement as to attestation was hardly necessary; but the further objective, to use plain language, is that the petitioner must "testify" on the very face thereof that every copy supplied by him is a true copy of the original and he must do that under his own signatures. The attestation therefore is a sort of a speaking guarantee or a certificate by the petitioner under his own signature on the face of the copies themselves that the same are correct and they could be accepted and used as such without any comparison whatsoever. I may make it clear however that in saying so I do not mean to suggest that attestation must necessarily be put at any particular place on each of the documents in question. It may be put on the face of the same or may be put at the end thereof. But what is important is that the certificate must separately appear on each of the copies of the petition and/or on the affidavit and/or the schedule, as the case may be, so that any body seeing these documents may be assured that they have been certified as true copies of their originals by the petitioner under his own signatures.

This has then to be read with Section 90(3) which lays down *inter alia* that where the provisions of Sec. 81 which deals with the presentation of election petition are not complied with, the Tribunal shall dismiss an election petition, notwithstanding the fact that the same may not have been dismissed by the Election Commission under S. 85. It has been contended before us on behalf of the election petitioner that this is merely a directory provision, and therefore any neglect or disobedience of it cannot have the effect of the dismissal of the petition. The argument is that the object of attestation is no more than to ensure that the copies supplied by the election petitioner to the election commission are correct copies of the original, and that in the present case it is not contended that these copies including the one for the respondent contained any mistakes whatsoever, and, therefore, this object stands amply fulfilled, and a breach of the rule as to attestation is hardly a matter of any materiality.

On a careful and anxious consideration of the whole question, I regret to have to say that I am unable to accept this submission as sound. The requirement of attestation, as I have analysed above, is not an idle or empty formality which may or may not be fulfilled at the option of the petitioner; for such a view, in my opinion, would render the provisions of Section 81(3) and Section 90(3) entirely nugatory in an essential matter. Very strong reasons would be necessary, in my opinion, to warrant such an interpretation, and, speaking for myself, with all deference, I do not see my way to accept such a view as sound.

Learned counsel for the appellant placed strong reliance before us in support of his submission on the decisions of the Supreme Court in *Kamaraja Nadar v. Kunju Thevar* <sup>(1)</sup>, *Budhi Nath Jha v. Manilal Jadav* <sup>(2)</sup>, *K. P. Narain Singh v. N. K. Prasad Singh* <sup>(3)</sup>, *Chandrika Prasad v. Shiv Prasad* <sup>(4)</sup> and *Collector of Monghyr v. Keshav Prasad* <sup>(5)</sup>.

Of these, the first four cases relate to certain breaches in connection with, if I may say so, the manner or recording the mode of furnishing of security along with an election petition for the costs thereof under S. 117 as it stood at the relevant time. The leading case on the subject is the case of *Kamaraja Nadar v. Kunju Thevar* (Supra). Now section 117, as it stood then, provided that the petitioner shall enclose with the petition a Government treasury receipt showing that a deposit of Rs. 1,000 had been made by him either in a Government treasury or in the Reserve Bank of India "in favour of the Secretary to the Election Commission" as security for the costs of the petition. Then S. 90(3) as it stood at the time enjoined the Election Tribunal to dismiss an election petition which did not comply with the provisions of S. 117. The defect in that case was that although

(1) XIV E.L.R. 270.

(2) XXII E.L.R. 86.

(3) XXII E.L.R. 484.

(4) AIR 1959 S.C. 827.

(5) AIR 1962 S.C. 1694.



the deposit by way of security had been made by the petitioner as costs of the petition in the State Bank of India, the petitioner failed to mention in his challan that it had been made "in favour of the Secretary of the Election Commission" so that the receipt filed by the petitioner along with his election petition did not contain any statement to that effect. It was contended in these circumstances that this defect was fatal to the validity of the petition under S. 90(3). In answering this problem, their Lordships posed the question whether where a deposit which had been in its essential features duly made as security for the costs of the petition in favour of the Election Commission but not in favour of the Secretary thereof, it could be legitimately contended that the treasury receipt enclosed with the petition was not in order, or that the deposit was not in conformity with the requirements of Section 117, and therefore the petition must be dismissed for want of compliance with S. 117? Their Lordships answered this question in an emphatic negative. It was, therefore, held that the words "in favour of the Secretary to the Election Commission" were only of a directory nature and not mandatory, and that what was of the essence of the provision was that the petitioner should furnish security for the costs of the petition and should enclose along with the petition a Government treasury receipt showing that the necessary deposit had been made either in the Reserve Bank of India or in a Government treasury and that the same was at the disposal of the Election Commission and under its control so that it would be possible on a proper application being made in that behalf to the Election Commission or to any person duly authorised by it to receive the same whether it was the Secretary to the Election Commission or not. It was further held that if it could be shown that the deposit fulfilled these "essential" requirements of the section as stated above, it was and would be a sufficient compliance with that section.

A more or less similar view has been taken in the remaining three cases, namely, *Budhi Nath Jha v. Manilal Jadav* (Supra) *K. P. Narain Singh v. N. K. Prasad Singh* (Supra) and *Chandrika Prasad v. Shiv Prasad* (Supra) and I consider it unnecessary to deal with them in any detail as the result arrived at in these cases was based on the view taken in *Kamaraja Nadar's* case to which I have made a detailed reference above.

The point, however, is if it can be properly held on the basis of these decisions of the Supreme Court that the requirement of filing a receipt along with the election petition with respect to the requisite deposit having been made by the election petitioner either in a Government treasury or in the Reserve Bank of India so that it would be at the disposal and under the control of the Election Commission as security for the costs of the petition was in its essence directory and not mandatory. With all respect, it seems to me to be difficult to draw any such conclusion from the decisions referred to above.

It may be pointed out at this place that as a result of these decisions S. 117 of the original Act has been modified by the Amendment Act of 1961 so that the deposit is no longer necessary to be made in favour of the Secretary to the Election Commission as such, and further this section has been taken out of the ambit of S. 90(3) of the Act altogether, and it has been left entirely to the Election Commission to see whether the provisions of S. 117 are satisfied and if not to dismiss the election petition. The point which needs to be emphasised in so far as this class of cases is concerned seems to be that whereas the "manner" of making the security deposit or the recording thereof as costs of the election petition with the authorities mentioned in the section is directory, the furnishing of the security itself in the sense that it is at the disposal and under the control of the election commission and the filing of a receipt in lieu thereof along with the election petition is a mandatory requirement, and any failure to comply with such essential requirements of S. 117 would not, in my respectful judgment, be saved from the consequence mentioned in S. 85, at the hands of the Election Commission through, as already stated, the dismissal of any election petition by the Election Tribunal under S. 90(3) is no longer contemplated by the Legislature and would not be lawful because S. 117 has been taken out of the reach of S. 90(3).

These cases, therefore, cannot be taken as authority for the proposition which was sought to be pressed before us on behalf of the appellant that, even if the requirements of a section are mandatory, and a neglect or disobedience thereof takes place, the consequences of such neglect or disobedience which stand specified in the statute itself may still be avoided and would not follow. In fact, what these cases do establish is that in so far as the particular requirement of S. 117 is directory a substantial compliance thereof only will be required, and where such substantial compliance has been made, then that would be sufficient, and no untoward consequences such as have been mentioned in the statute need be visited upon the erring petitioner.

So say this, however, is one thing. But it would be an entirely different thing to say that the failure of an essential requirement of law for which the statute itself makes a clear-cut provision could be avoided on mere *a priori* considerations. For to do anything like that would, in my respectful submission, amount to the courts sitting in judgment over the Legislature or, at any rate, amount to legislating on their part which, with utmost deference, is not their business.

The next case on which learned counsel for the appellant strongly relied in this connection was Collector of Monghyr v. Keshav Prasad (Supra), and the particular passage on which reliance was placed reads as follows;

"The question whether any requirement is mandatory or directory has to be decided not merely on the basis of any specific provision which, for instance, sets out the consequences of the omission to observe the requirement, but on the purpose for which the requirement has been enacted, particularly in the context of the other provisions of the Act and the general scheme thereof".

(The underlining is mine)

An argument was sought to be built on the basis of the expression, to wit,

"not merely on the basis of any specific provision which for instance sets out the consequences of the omission to observe the requirement".

occurring in this passage, that even where the consequences of the omission to observe certain requirements of law have been mentioned in the statute itself, the question whether such a requirement is mandatory or directory has to be decided not on that basis, but, if not entirely, substantially, otherwise.

With all respect, it does not seem to me that the judgment of their Lordships of the Supreme Court in this case can be properly pressed into use to establish the view for which learned counsel contends. The case before their Lordships in which these observations were made related to the interpretation of §. 5A of the Bihar Private Irrigation Works Act (B and O5 of 1922) which *inter alia* lays down that

"Notwithstanding anything to the contrary contained in this Act, whenever the Collector, for reasons to be recorded by him, is of opinion that the delay in the repair of any existing irrigation work which may be occasioned by proceedings commenced by a notice under section 3 adversely affects or is likely to affect adversely lands which are dependent on such irrigation work for a supply of water he may forthwith cause the repair of such irrigation work to be begun by any one or more of the persons mentioned in clause (ii) of section 3 or by such agency as he thinks proper."

The precise question which thus arose for decision was whether the provision as to the recording of the reasons by the Collector made in this section is mandatory or directory. It may be pertinently pointed out at this place that the consequence of the failure to record such reasons was not at all laid down in the enactment itself. In these circumstances, it was contended before their Lordships that the condition as to the recording of the reasons by the Collector before he could depart from the normal course laid down in the Act was only directory, and the non-observance of this condition was at the worst an irregularity which did not affect the legality of his order. Their Lordships in repelling this contention made the observations extracted above.

It is in this background that the observations relied on by learned counsel fell to be made and have to be understood. I find it rather difficult to hold from the observations in question that their Lordships wanted to lay down any such proposition that in deciding the question whether a particular provision in a statute was mandatory or directory, the existence of any specific provision setting out the consequences of the omission to observe the same would be an inconsiderable factor or one of no great consequence and that the question must fall to be decided on a variety of other considerations. On the other hand, I feel strongly induced to think that, having regard to the class of case which was before them, all that their Lordships wanted to be understood to say was that in order to determine whether a particular provision was mandatory or not, the mere fact that the consequences of non-observance of such a requirement were not set out in the statute itself is not the sole or the main consideration, but a given provision may

still be properly held to be mandatory regard being had to the essential purpose for which it has been enacted in the general scheme of the Act. It was further laid down that one of the relevant considerations in such class of cases would be whether the requirement is enacted for the purpose of safeguarding of important human rights such as the right of freedom of person or protection of property.

Therefore it would be hardly proper in my respectful submission to draw any such conclusion, as learned counsel for the appellant seeks to do, that their Lordships intended to lay down in this case that in any decision of the question whether a particular requirement of a statute was mandatory or directory, the presence of a specific provision setting out the consequences of the omission to observe the requirement is of comparatively little or insignificant value. There was no occasion for their Lordships to lay down any such proposition in the circumstances of the case, and, therefore, the observations under reference cannot be legitimately pressed into use to uphold the view for which learned counsel for the appellant contends, and I confess my inability to understand them in that light, what their Lordships really intended to say for the purposes of that case. If I understand them aright, was that even though the statute might not contain any specific provision setting out the consequence of the omission to observe the requirement in question and therefore such a basis to decide the controversy in that case would not be available, still the question as to whether the requirement was mandatory or not cannot be decided on the mere basis of the absence of such a provision, and a decision of that question would depend on the object to be served by the provision coming up for consideration in the context of the other provisions of the Act and the general scheme thereof.

As I look at the matter, I should like to mention that, *prima facie*, the existence of a provision in the Act itself as to the consequence of the non-observance of a particular requirement is most relevant and indeed a strong indication or a basis for the decision of the question whether such a requirement is mandatory or directory. The reason to my mind is obvious, and that is that the Legislature has itself expressed its intention in no uncertain voice.

With all respect, I should also like to point out in this connection that the observations from Maxwell on Interpretation of Statutes (Eleventh Edition) on which my learned brother Shinghal J. has relied have also to be understood in the context in which they have been made. These observations occur at page 364 of that book and read as follows:—

"It has been said that no rule can be laid down for determining whether the command is to be considered as a mere direction or instruction involving no invalidating consequence in its disregard, or as imperative, with an implied nullification for disobedience beyond the fundamental one that it depends on the scope and object of the enactment."

The observations, in my opinion, were, as I read them, hardly intended to apply to those cases where the statute itself says that the failure to observe or comply with a particular command is to be visited with a prescribed consequence, in which case no question of implied nullification for disobedience would seem to arise for the consequence of nullity has been prescribed by the Legislature itself, and normally the consequence has therefore got to be applied. In fact in the very preceding paragraph at page 363, the learned author has the following observations to make:—

"The reports are full of cases dealing with statutory provisions which are devoid of indication of intention regarding the effect of non-compliance with them. In some of them the conditions, forms, or other attendant circumstances, prescribed by the statute have been regarded as essential to the act or thing regulated by it and their omission has been held fatal to its validity. In others, such prescriptions have been considered as merely directory, the neglect of which did not affect its validity or involve any other consequence than a liability to a penalty, if any were imposed, for breach of the enactment."

It seems to me, therefore, that the passage on which my learned brother has placed reliance, in the particular context in which it occurred, is intended to refer to that class of cases wherein the statutory provisions are devoid of any indication of legislative intention regarding the effect of non-compliance with them. This intention is still made clear when at the very beginning of the particular section of the book in which this discussion has been made open with the following statement.

"When a statute requires that something shall be done, or done in a particular manner or form, without expressly declaring what shall be the consequence of non-compliance, the question often arises: what intention is to be attributed by inference to the legislature?"

and then the learned author proceeds to give certain examples of what he means.

It is further stated on the same page that a strong line of distinction may be drawn between cases where the prescriptions of the Act affect the performance of a duty and where they relate to a privilege or power, and says the distinguished author.

"Where powers rights or immunities are granted with a direction that certain regulation, formalities or conditions shall be complied with it seems neither unjust NOR INCONVENIENT TO EXACT A rigorous observance of them as essential to the acquisition of the right of authority conferred, and it is therefore probable that such was the intention of the legislature. But when a public duty is imposed and the statute requires that it shall be performed in a certain manner, or within a certain time or under other specified conditions, such prescriptions may well be REGARDED AS INTENDED TO BE DIRECTORY ONLY IN CASES WHEN injustice or inconvenience to others who have no control over those exercising the duty would result if such requirements were essential and imperative."

(The underlining is mine).

Now, how do the principles stated above apply to the present case? I have already pointed out the legislative history of this provision. There can be no doubt that the legislature peremptorily intended that in order to save time and labour of the Election Commission the petitioner must, when he prefers his petition before the Commission, supply the requisite number of copies of the same. Not only that, the legislature has further provided that he must attest each one of the copies under his own signature to be a true copy of the petition. In other words, the copies supplied must bear a "certificate" on the very face of them that they are true copies of the original, and this certificate must appear on each one of the copies. I have also discussed above as to what is the proper connotation of the expression "election petition" in this connection. And according to the meaning, which I have felt persuaded to adopt, it is clear that not only the petition proper but also the affidavits and schedules accompanying the petition must be separately attested. Pausing here, I should like to point out that the section does not lay down any particular "manner" of attestation, and, therefore, whether the attestation is made on each page of the petition and/or the affidavit and/or the schedules accompanying it, or whether it is affixed on each one of these documents so as to cover the whole of each one of them at any one place, or whether the attestation is made at the beginning of each copy of the petition and/or of its necessary companions or at the end thereof is matter which seems to me to be purely directory. But the manner of attestation apart, I find it difficult to hold that attestation in its essential aspect is a mere directory requirement of the statute with which we are called upon to deal. The more so, as the Act does not rest content with merely using the language of command in S. 81(3) but it has followed it up by a further command under S. 90(3) wherein it is unmistakably laid down that where an election petition does not comply with the provisions of S. 81 along with certain other sections with which we are not concerned, the Tribunal shall dismiss the same, no matter that it has not been dismissed by the Election Commission under the power vouchsafed to it under S. 85. The combined effect of these two provisions in my humble judgment is no and no less than this that the requirement of attestation in its essential aspect as analysed above is a mandatory requirement, the failure of observance whereof cannot but be followed by the consequence mentioned in Section 90. Such a provision might or might not have been made. That was however a matter which depended upon the wisdom of the Legislature. But when it has been so made, I think there is hardly any option with the courts to say that it need not have been made. Furthermore it cannot be over-emphasized that this is not a case where the consequence of a breach of the provision has not been enacted by the Legislature itself, and, therefore, it rests with the court to find out what the intention of the Legislature was. On the contrary, this is a case where the Legislature has not only expressed itself peremptorily as respects the particular requirement in question namely that the petitioner must along with the petition furnish the requisite number of copies of the same to the Election Commission and further that each one of these copies the petitioner must attest under his own signatures, but the Legislature has further laid down the consequence of a breach of this rule and said in so many words that failure of the compliance with the provisions of S. 81 which includes S. 81(3) shall be visited with the consequence of the dismissal of the election petition; and that being so, I am extremely doubtful whether it is open to the courts to say that

even though the requirement is of the nature I have analysed above, it is only a directory one, and, therefore, its breach is of no consequence.

It may also be pointed out in this connection that the present case clearly seems to me to fall within the first category of cases described by Maxwell in his book on the Interpretation of Statutes to which I have made reference above at page 364 thereof and about which it is said that where rights or immunities are granted with a direction that certain regulations, formalities or conditions must be complied with, it seems neither unjust nor inconvenient to exact a rigorous observance of them as essential to the acquisition of such rights or immunities.

At this stage I should also like to invite attention to two decisions of the Supreme Court in *Rattan Anmol Singh v. Ch. Atma Ram* (6) and *Baru Ram v. Smt. Prasanni* (7), the principles whereof seem to me to furnish valuable guidance for the decision of a case like the present although these cases are based on facts different from those of the present case.

In *Rattan Anmol Singh v. Ch. Atma Ram* (Supra), the main question for decision was whether the Returning Officer was right in rejecting the petitioner's nomination papers on the ground that they were not attested. Under the Rules the nomination papers were not only required to be subscribed by a proposer or a seconder, but where the proposers and the seconders were illiterate, the thumb marks put by them were further required to be attested. The nomination papers lacked this attestation. It was contended that attestation was a mere technical or unsubstantial requirement, and its omission was, therefore a matter of no consequence. Their Lordships repelled this contention and in doing so made certain observations which, with respect, I cannot do better than to reproduce in their own language:

"We are consequently of opinion that the 'signing' whenever a 'signature' is necessary must be in strict accordance with the requirements of the Act and that where the signature cannot be written, it must be authorised in the manner prescribed by the Rules. *Whether this attaches exaggerated IMPORTANCE TO THE AUTHORISATION IS not for us to decide.* What is beyond dispute is that is regarded as a matter of special moment and that special provision has been made to meet such cases. We are, therefore, bound to give full effect to this policy."

(The underlining is mine)

A little later, observed their Lordships:

"The question, therefore, is whether attestation is a mere technical or unsubstantial requirement. We are not able to regard it in that light. When the law enjoins the observance of a particular formality, it cannot be disregarded and the substance of the thing must be there. The substance of the matter here is the satisfaction of the Returning Officer at a particular moment of time about the identity of the person making a mark in place of writing a signature..... But we find it impossible to say that when the law requires the satisfaction of a particular officer at a particular time, his satisfaction can be dispensed with altogether. in our opinion, this provision is as necessary and as substantial as attestation in the cases of a will or a mortgage and is on the same footing as the 'subscribing' REQUIRED in the case of the candidate himself."

A little further, their Lordships clinched the issue when they said that even if the identities of the proposers and the seconders could have been proved to the satisfaction of the Returning Officer at the stage of scrutiny, it would have been too late because the attestation and the satisfaction must have existed at the presentation stage and a total omission of the same could not be subsequently validated any more than the omission of a candidate to sign at all could have been.

The facts of *Baru Ram's case* (Supra) were these. The election petition in this case, among other grounds with which we are not concerned, was based on the contention that the Returning Officer had improperly rejected the nomination paper of one of the contesting candidates namely *Jai Bhagwan* at the election. This *Jai Bhagwan* was admittedly a candidate who belonged to another constituency.

(6) A.I.R. 1954 S.C. 510.

(7) A.I.R. 1959 S.C. 93.

Section 33(5) of the Act provides that where the candidate is an elector of a different constituency, a copy of the electoral roll of that constituency or of the relevant part thereof or a certified copy of the relevant entries in such roll shall, unless it has been filed along with the nomination paper, be produced before the Returning Officer at the time of scrutiny. Jai Bhagwan failed to do this and consequently his nomination paper was rejected under S. 36(2)(b) which lays down among other things that the Returning Officer "may" reject any nomination paper on the grounds that there has been a failure to comply with any of the provisions of S. 33. It was contended that the provision was purely technical and did not take into account the substance of the matter. This contention was rejected, and this is now their Lordships stated the ratio of their decision:—

"...this is a case where the statute requires the candidate to produce the prescribed evidence and provides a penalty for his failure to do so. In such a case it is difficult to appreciate the relevance or validity of the argument that the requirement of S. 33(5) is not mandatory but is directory, because the statute itself has made it clear that failure to comply with the said requirement leads to the rejection of the nomination paper. Whenever the statute requires a particular act to be done in a particular manner and also lays down that failure to comply with the said requirement leads to a specific consequence, it would be difficult to accept the argument that the failure to comply with the said requirement should lead to any other consequence."

If I may say so, the present case stands on a stronger footing because while the provision under S. 36(2)(b) provides in effect that on the candidate's failure to comply with the requirement of S. 33(5) his nomination paper is liable to be rejected, Sec. 81(3) is couched in a far stronger and peremptory language that where there is a failure of compliance with the provisions of S. 81, the petition shall be dismissed by the Tribunal, notwithstanding that it may not have been so dismissed by the Election Commission. Reference was made in this case to another decision of their Lordships of the Supreme Court in *Prat Singh v. Shri Krishna Gupta* (8) wherein Bose J. (as in the case cited by my learned brother Shinghal J.) in *Sangram Singh v. Election Tribunal Kotah* (A.I.R. 1955 S.C. 425) disapproved of the tendency of the courts towards technicalities and observed that "it is the substance that counts and must take precedence over mere form", "but that case was distinguished, and the principle was affirmed that where the statute requires specific facts to be proved in a specific way or requires a particular act to be done in a particular manner and further provides for the consequence of non-compliance of the said requirement, it would be difficult to resist the application of the penalty clause on the ground that such an application is based on a technical approach.

On a careful and anxious consideration of the whole matter, therefore, I feel constrained to come to the conclusion that it is not open to the courts to hold that the requirement as to attestation of the copies of the election petition laid down in S. 81(3) is directory or that it is simply technical and that a non-compliance with the requirements of that section should not be visited with the penalty which has been specifically provided for in S. 90(3) of the Act. I, therefore, hold, though not without reluctance, that there has been a clear breach of the provisions of S. 81(3) in this case, and this breach being of a provision which is mandatory in character cannot but result in the dismissal of the election petition. I should also like to make it clear that the mere circumstances that it is not disputed in this case that the copy of the election petition supplied to the respondent is an exact copy of the election petition that was filed before the Election Tribunal and which is the subject matter of the trial cannot make any valid difference to the conclusion at which I have arrived above, for the principle is well established that an absolute enactment must be obeyed or fulfilled exactly or it is not obeyed at all. See *Woodward v. Sarsons* (9) and *Punjab Co-operative Bank Ltd., v. Commissioner of Income-tax* (10).

Assuming for the sake of argument, though not accepting, that the requirement as to attestation of the copies of the election petition provided under S. 81(3) is really directory and not mandatory, I am afraid I still find it difficult to hold that the election petition in this case can successfully surmount the difficulty with which it is faced on the score of want of a substantially valid attestation. For, as the general rule, in the case of an absolute enactment, is that it must be obeyed or

(8) A.I.R. 1956 S.C. 140.

(9) (1875) L.R. 10 C.P. 733.

(10) A.I.R. 1940 P.C. 230.

fulfilled exactly, the rule is equally well established that a directory enactment must be obeyed or fulfilled substantially. See *Woodward v. Sarsons and Punjab Co-operative Bank Ltd. v. Commissioner of Income-tax (Supra)*.

The question which then arises is whether the requirement of attestation has been fulfilled substantially in the present case. It seems to me that it has not been. The mere fact that the copy supplied to the respondent is a true copy of the original petition and therefore did not require any attestation is by no means an adequate answer to this. For if this was the intendment of the law, then the provision as to attestation need not have been made at all, and it should have been sufficient for the legislature to say that the petitioner should supply copies of the original petition and no more. It is well-settled principle of the interpretation of statutes that effect must be given so far as possible to all the words used by the Legislature, for it is not correct to think that it wastes its words. See *quebec Railway v. Vandry (11)*.

The only other question on this aspect of the case is whether the attestation on one of the schedules to the petition is a substantial attestation of the petition as a whole. I have discussed this question fully above and need not repeat myself; and my conclusion on this aspect of the case is that an attestation of a particular schedule by itself does not and cannot properly amount to attestation of the main petition or even of any other schedules or the affidavits presented along with the forming part of the election petition as a whole, for each one of these clearly seems to me to require separate attestation. The only reasonable conclusion in such circumstances at which it is possible to arrive is that there was not even a substantial compliance with the requirement of attestation in the present case.

For the reasons mentioned above, I am constrained to come to the conclusion, and I do so not without a certain amount of regret, that the present appeal must fail on the preliminary ground, and the order of the Tribunal must be upheld, though my reasons for arriving at this conclusion are somewhat different from those which prevailed with the Tribunal.

In view of the conclusion at which I have arrived on this point above, it is not necessary for me to consider the other point raised in this appeal relating to the rejection of the petitioner's application for amplification of some of the particulars of the corrupt practices alleged by him and the consequent striking off of certain allegations of such corrupt practices on the ground of vagueness. But, if it were necessary for me to express my own opinion about that, all I should like to say is that, on the whole, I agree with the order which my learned brother proposes to pass on that aspect of the case.

However, in view of the conclusion at which I have arrived on the fundamental aspect of the case, I would dismiss this appeal but without any order as to costs.

(Sd.) I. N. MODI, J.

#### *By the Court*

As unfortunately we are not agreed on our decision on certain questions of law arising in this case, we hereby refer the following questions for decision by another Judge or a bench of Judges as may be appointed by the Hon'ble Chief Justice under S. 98 of the Code of Civil Procedure. These questions are:

- (i) Whether Section 81(3) of the Representation of the People Act 1950 as amended, in so far as it lays down that every copy of the election petition shall be attested by the petitioner under his own signature to be a true copy of the original petition is mandatory or directory, which involves the further question—whether the schedule and/or the affidavit, if any, accompanying the main election petition require to be separately attested as much as the petition itself having regard to the purposes underlying therein and the scheme of the Act.

- (2) Whether in case this requirement is held to be directory, the copy of the election petition supplied by the election petitioner for the use of the respondent in this case substantially fulfills this requirement.

We accordingly direct that this case be laid before the Hon'ble the Chief Justice for being referred to one or more Judges of this Court as may be thought fit.

(Sd.) I. N. MODI, J.

(Sd.) P. N. SHINGHAL, J.  
21-10-1963.

Certified copy of the judgment, dated 3rd February 1964 in D.B. Civil Misc. Election Appeal No. 41 of 1963. Sardar Mal Vs. Smt. Gayatri Devi, decided by the High Court of Judicature for Rajasthan at Jodhpur.

# IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

## ORDER

Sardar Mal

Vs.

Smt. Gayatri Devi

Reference under section 98 C.P.C. in D.B. Civil Election Appeal No. 41 of 1963, dated 21st October 1963 arising out of the judgment of the Member, Election Tribunal Shri Kameshwar Dayal, dated 23rd October 1962 in election petition No. 324/62.

Date of Order:—3rd February 1964.

## PRESENT:

The Hon'ble Mr. Justice Jagat Narayan.

Mr. R. K. Rastogi }  
Mr. J. S. Rastogi } for the appellant.  
Mr. B. S. Sharma }

Mr. C. L. Agarwal }  
Mr. H. P. Gupta } for the respondent.

## Reportable

This is a reference under section 98 of the Code of Civil Procedure by a Division Bench of this Court consisting of Modi and Shinghal, JJ. It arises out of an appeal under section 116A of the Representation of the People Act 1951.

The facts relevant for disposing of it are these. Smt. Gayatri Devi respondent was elected to the House of the People at the third general elections held in the month of February 1962 from the Jaipur Parliamentary Constituency in Rajasthan. Her election was challenged by Sardar Mal appellant, who is an elector in the constituency, by an election petition on the ground of corrupt practices mentioned in para 4 thereof. Full particulars of the corrupt practices as required by section 83(1)(b) were given in three annexures to the petition marked A, B and C. An affidavit in support of the allegations of corrupt practices was also filed along with the petition as required under the proviso to section 83(2). The election petition, including the annexures and the accompanying affidavit, along with their copies, were presented before the Election Commission on 16th April 1962. The Commission referred the petition to an Election Tribunal for trial after causing a copy of it to be published in the Gazette.

On 22nd September 1962 the respondent took an objection that the copies of the main petition and annexures A and B which were served on her did not bear the attestation by the petitioner as prescribed under section 81(3) and urged that the petition should be rejected on this ground under section 90(3). This objection was not taken by her in the written statement which was filed on 16th July 1962.

The above copies were filed before the Tribunal on the same day. They are substantially true copies of the petition, the annexures and the affidavit.

The copy of the main petition consists of 5 sheets numbered serially from 1 to 5. There is no attestation on any part of it. Then follow copies of the three annexures A, B and C consisting of two, one and three sheets respectively. The pages of these annexures are not numbered in continuation of the main petition or in continuation of one another. They are numbered independently. There is no attestation on any part of the copies of annexures A and B. At the foot of the last page of the copy of annexure C there is an attestation by the petitioner who has inscribed the words "True Copy" under his signature. The copies of the annexures are followed by the copy of the affidavit which is inscribed with words "True Copy" under the signatures of the petitioner both on the first page and at the foot of the last page.

The contention of the petitioner was that section 81(3) was fully complied with, inasmuch as annexures being integral parts of the petition, an attestation on the foot of the last page of the copy of the last annexure was tantamount to attesting the whole of the petition including the annexures. In the alternative it was contended that section 81(3) was merely directory, that its purpose was



to ensure that true copies of the petition were furnished, that this purpose was fully achieved and no prejudice was caused to the respondent as true copies were supplied, and that in this view of the matter there was substantial compliance of it. The petitioner filed an affidavit stating that the copy of the petition filed by him was a true copy and that he had attested it at the end of annexure C, under his signature, to be a true copy, as he had been advised by his counsel to regard the annexures as a part of the petition and he believed that to be the correct advice.

The Tribunal held that the copy of the petition as well as copies of annexures A and B were not attested as required under section 81(3) and that the provision of it was mandatory. It accordingly dismissed the petition under section 90(3).

On appeal, Shinghal J. was of the opinion that the contentions of the petitioner were correct. Modi J. on the other hand was of the view that the findings of the Tribunal were correct. They have accordingly stated the following points of law on which they differ, for decision under section 98 C.P.C.:—

- “(1) Whether section 81(3) of the Representation of the People Act 1950 as amended in so far as it lays down that every copy of the election petition shall be attested by the petitioner under his own signature to be a true copy of the original petition is mandatory or directory, which involves the further question—whether the schedule and/or the affidavit, if any, accompanying the main election petition require to be separately attested as much as the petition itself having regard to the purposes underlying therein and the scheme of the Act.
- “(2) Whether in case this requirement is held to be directory, the copy of the election petition supplied by the election petitioner for the use of the respondent in this case substantially fulfils this requirement.”

I shall first consider what is the difference between a mandatory and directory provision of law and whether it is appropriate to use the expression ‘substantial compliance’ in relation to a provision which is wholly directory.

In Halsbury's Laws of England, Simonds Edition, Vol. 36, the distinction between mandatory and directory enactments is explained in Article 656 in the following words:—

“Where a statute requires an act to be done at or within a particular time or in a particular manner, the question arises whether the validity of the act is affected by a failure to comply with what is prescribed. If it appears that Parliament intended disobedience to render the act invalid, the provision in question is described as “mandatory”, “absolute”, “imperative” or “obligatory”; if, on the other hand compliance was not intended to govern the validity of what is done, the provision is said to be “directory”.

In Sutherland's Statutory Construction, Third Edition, Vol. 2, Article 2801 it is stated that “the important distinction between directory and mandatory statutes is that the violation of the former is attended with no consequences, while the failure to comply with the requirements of the latter either invalidates purported transactions or subjects the non-complier to affirmative legal liabilities.

This distinction grows out of the fundamental difference in the intention of the legislature in enacting the two statutes. Although directory provisions are not intended by the legislature to be disregarded, yet the seriousness of non-compliance is not considered so great that liability automatically attaches for failure to comply, the question of compliance remains for judicial determination. If the legislature considers the provisions sufficiently important that exact compliance is required then the provision is mandatory”.

The distinction between mandatory and directory acts is stated in the following words by Crawford in Statutory Construction 1940 Edition:—

“A statute, or one or more of its provisions, may be either mandatory or directory. While usually in order to ascertain whether a statute is mandatory or directory, one must apply the rules relating to the construction of statutes; yet it may be stated, as a general rule that those whose provisions relate to the essence of the thing to be performed or to matters of substance, are mandatory, and those which do not relate to the essence and whose compliance is merely a matter of convenience rather than of substance, are directory. So, a mandatory statute may be defined as one whose provisions or requirements, if not complied with, will render the proceedings to which it relates illegal and void, while a directory statute is one where

non-compliance will not invalidate the proceedings to which it relates."

In Maxwell on Interpretation of Statutes it is stated—

"The general rule is, that an absolute enactment must be obeyed or fulfilled exactly, but it is sufficient if a directory enactment be obeyed or fulfilled substantially."

The above statement of law tends to convey the impression that even in the case of a directory provision, absence of substantial compliance will invalidate the act or the proceeding. This is not so.

All provisions of law which are not mandatory are directory. Although directory provisions are not intended by the legislature to be disregarded yet the seriousness of non-compliance is not considered so great that liability automatically attaches for failure to comply. The question of compliance remains for judicial determination. Acts and proceedings have frequently been held valid notwithstanding the total failure to comply with what is prescribed.

In *Jagan Nath v. Jaswant Singh*<sup>(1)</sup> the petitioner had not joined as respondent a duly nominated candidate who had withdrawn his candidature and had not contested the election. Section 82 of the Representation of the People Act, 1951, as it stood then, laid down that a petitioner shall join as respondents to his petition all the candidates who were duly nominated at the election. It was held that the provision was directory and the defect could be cured.

Order 34 rule 1 C.P.C. lays down that all persons having an interest either in the mortgage-security or in the right of redemption shall be joined as parties to any suit relating to the mortgages. It has been held that this provision is directory and a decree can be passed so far as regards the parties actually on the record are concerned without impleading all persons mentioned in the Rule as parties unless any of the persons so omitted is a necessary party in the sense that in his absence no relief could be given at all even as regards the parties actually on the record.

Order 6 Rule 15 C.P.C. provides for the due verification of pleadings in the manner laid down therein before they are filed in court. It has been held that this provision is directory. Even in cases where there is a total absence of verification, the defect can be cured at any stage of the suit including appeal. If the verification is defective and no objection has been taken in the trial court, an objection is not allowed to be raised at the appellate stage.

The statement of law in Maxwell's Interpretation of Statutes referred to above is based on the observations of Lord Coleridge C.J. in *Woodward v. Sarsons*<sup>(2)</sup>. That was a case in which some provisions were mandatory and others were directory. It was held that if the mandatory provisions were complied with, the proceeding concerned was valid even the provisions were totally disregarded. The second section of the Ballot Act provided that "the voter, having secretly marked his vote on the paper, and folded it up so as to conceal his vote, shall place it in a enclosed box". The rules provided that "the voter will go into one of the compartments, and with the pencil provided in the compartment place a cross on the right hand side, opposite the name of each candidate for whom he votes". His Lordship held that the provisions of section 2 of the Act were mandatory and those of the rules were directory. The requirements of the section were that the preference of the voter for a particular candidate should be indicated by marking the ballot paper and that this marking should be done secretly. His Lordship held the provisions of the rules to be directory. It did not therefore matter how the ballot paper was marked. Ballot papers which bore one or more marks, other than a cross mark, to the left of the name of the candidate, in total disregard of the directions contained in the rules were also held to be valid. It was in this context that this Lordship observed that the manner of marking the ballot paper was obeyed substantially. What he really meant to say was that as the mandatory part of the provisions had been complied with, there was substantial compliance of the law.

(1) A.I.R. 1954 Supreme Court 210.

(2) (1875) L.R. 10 C.P. 733.

The Law Reports Court of Common Pleas, Vol. 10, 1874-5.

In this connection the following passage in foot-note (b) to Article 656 Halsbury's Laws of England, Simonds Edition, Vol. 36 may be referred to:—

"It has also been said that mandatory provisions must be fulfilled exactly, whereas it is sufficient if directory provisions are substantially fulfilled, e.g., *Woodward v. Sarsons* (1875), L.R. 10, C.P. 733 at p. 746; *Phillips v. Goff* (1886), 17 Q.B.D. 8051, D.C. at p. 812. It appears, however, from the authorities [see e.g., notes (i)—(1), pp. 435-436, Post] that acts have frequently been held valid notwithstanding a total failure to comply with what is prescribed, and the foregoing proposition would seem to amount to no more than an inaccurate description of the overall position where a provision laying down a number of requirements is held to be mandatory as to some and directory as to the rest; see e.g., *Pope v. Clarke*, (1953), All E.R. 704, D.C. [the facts of which are mentioned in note (h), p. 435, Post]."  
(Underlining mine.)

It will thus be seen that if the whole of a provision is mandatory, exact compliance is necessary, and if it is not made, the act or the proceeding is rendered void, irrespective of whether or not any prejudice is caused to any other party.

If a part of it is mandatory, then compliance of the mandatory part is necessary and if it is not made the act or the proceeding is rendered void irrespective of whether or not any prejudice is caused to any party, if there is compliance of the mandatory part but non-compliance of the directory part, then the act or proceeding is valid. In such cases compliance of the mandatory part of the provision is both necessary and sufficient. Now the mandatory part is the essence of the substance of the provision, and if it is complied with, it is said that there is substantial compliance.

If the whole of the provision is directory then compliance of it at the prescribed stage is not necessary. Compliance may be made at the later stage or dispensed with altogether if substantial prejudices is not caused thereby to the other parties concerned.

I am accordingly of the opinion that the use of the expression "substantial compliance" is only appropriate in relation to a provision which is in part mandatory and in part directory. In case of a whole directory provision no question of substantial compliance arises.

I now come to the question as to whether the requirement of attestation provided for in section 81(3) is mandatory. The sub-section runs as follows:—

"Every election petition shall be accompanied by as many copies thereof as there are respondents mentioned in the petition and one more copy for the use of the Election Commission and every such copy shall be attested by the petitioner under his own signature to be a true copy of the petition."

Section 81, as it stood before it was amended in 1961 did not require the election petitioner himself to supply the necessary number of copies of the election petition to the Election Commission. It was however the duty of the Election Commission under section 86(1) to serve a copy of the petition on each respondent. These copies had to be prepared in the Commission's office. This took time, with the result that the disposal of the election petition was delayed. It appears that it was to obviate this delay that sub-section (3) was inserted in section 81. Section 86(1) however remains unamended and it is still the duty of the Election Commission to serve a copy of the petition on each respondent.

Now "copy" as used in section 86(1) must mean the same thing as a copy under section 81(3). It was held in *Muraka Radhey Shyam Ram Kumar v. Roop Singh Rathore and others*<sup>(a)</sup> by their Lordships of the Supreme Court that under the latter section the word "copy" does not mean an absolutely exact copy but means that the copy shall be so true and nobody can by any possibility misunderstand it. In other words it means a substantially true copy. It is thus the duty of the Election Commission to serve a substantially true copy of the petition on each respondent under section 86(1). The object of the Parliament in enacting section 81(3) obviously was that these substantially true copies should be supplied to the Election Commission by the petitioner along with his election petition.

(a) Civil Appeal No. 30/63, decided on 7th May 1963.

Now if copies are supplied by the petitioner which are not attested as true copies, then the commission will still have to get them compared with the original petition before serving them. This will take time and the object of the Parliament in enacting section 81(3) will be partially defeated. If on the other hand, the copies which are supplied by the petitioner are attested as true copies by him, then the Commission is assured that they have been duly compared with the original and can be served straightway on the respondents without comparing them with the original.

I am therefore of the opinion that both the requirements of section 81(3) namely that the requisite number of copies should be supplied and that they should be attested under the signature of the petitioner have a purpose and a public policy behind them and are essential elements of the provision contained in that sub-section. The Parliament has taken care to emphasize both the requirements by the use of the word "shall" twice in one sentence so as to govern each requirement separately.

It was strenuously argued on behalf of the petitioner that if true copies are actually supplied then it is immaterial whether or not they are attested as such by the petitioner and the purpose of the Parliament in enacting section 81(3) will be substantially fulfilled. I am unable to accept this argument on account of the reason which I have already given above. The purpose behind the provision will not be fully achieved unless it appears on the face of the copies that they are substantially true copies. Without such an attestation the Election Commission cannot be assured that they are true copies and cannot discharge its duty under section 86(1) properly without getting the copies compared with the original. Section 90(3) provides that the Tribunal shall dismiss an election petition which does not comply with the provisions of section 81. It was not dispute on behalf of the petitioner that this provision is mandatory. It was so held by their Lordships of the Supreme Court in *K. Kamaraja Nadar v. Kunju Thevar*(4).

The above case related to an election to an Assembly constituency which took place in 1957. Section 117, as it then stood, provided that when a petitioner presented an election petition to the Election Commission he was to enclose with the petition a Government Treasury Receipt showing that a deposit of Rs. 1,000/- had been made by him in favour of the Secretary to the Election Commission as security for the costs of the petition. Section 90(3) laid down that the Tribunal shall dismiss as election petition which did not comply with the provisions of section 117. The petitioner in that case had made the necessary deposit and had enclosed with the petition a Government Treasury Receipt evidencing it. But the deposit was made in favour of the Election Commission instead of being made in favour of the Secretary to the Election Commission. Their Lordships held that the words "in favour of the Secretary to the Election Commission" used in section 117 were directory and not mandatory in their character. They observed:—

"What is of the essence of the provision contained in section 117 is that the petition should furnish security for the costs of the petition, and should enclose along with the petition a Government Treasury receipt showing that a deposit of one thousand rupees has been made by him either in a Government Treasury or in the Reserve Bank of India, and is at the disposal of the Election Commission to be utilised by it in the manner authorised by law and is under its control and payable on a proper application being made in that behalf to the Election Commission or to any person duly authorised by it to receive the same, be he the Secretary to the Election Commission or any one else."

A perusal of the judgment of their Lordships goes to show that the essence of the provision contained in section 117 was regarded by them to be mandatory. Only the words "in favour of the Secretary to the Election Commission" were held to be directory.

The above decision was followed in *Chandrika Prasad v. Shiv Prasad*(5). In delivering the judgment of the Court Gajendragadkar J. observed:—

"It has recently been held by this Court in *Kamaraja Nadar v. Kunju Thevar*(4) that section 117 should not be strictly or technically

(4) A.I.R. 1958 Supreme Court 867.

(5) A.I.R. 1959 Supreme Court 827.

construed and that wherever it is shown that there has been a substantial compliance with its requirements the tribunal should not dismiss the election petition under section 90, sub-section (3) on technical grounds."

From these observations it cannot be inferred that the provision contained in section 117 was held to be directory. The expression "substantial compliance" has been used in the sense that the essence of the provision which alone is mandatory has been complied with. It was in the same sense that Sinha C.J. observed in *Budhi Nath Jha v. Manilal Jadav*<sup>(6)</sup>, in which Kamraj's case was followed, referring to the latter case:—

"It was also held that literal compliance with the terms of section 117 of the Act was not intended and that substantial compliance was enough."

The decision in *Kamraja Nadar's case*<sup>(4)</sup> is fully applicable to the present case in my opinion. It follows from this decision that the essence of the provisions contained in section 81(3) is mandatory. As I have already shown above both the requirements, namely, the supplying of the requisite number of copies as well as their attestation under the signature of the petitioner are essential for fulfilling the object of the Parliament in enacting section 81(3). Both these requirements have a public policy behind them. They are therefore both mandatory. But as was held in *Chandrika Prasad's case*<sup>(5)</sup> section 81(3) should not be strictly or technically construed and wherever it is shown that there has been a substantial compliance with its requirements the election petition should not be dismissed on technical grounds. This was the view taken by their Lordships of the Supreme Court in *Murarka Radhey Shyam Ram Kumar's case*<sup>(3)</sup> with regard to the first requirement of section 81(3) and in *Ch. Subharao v. Member, Election Tribunal, Hyderabad and others*<sup>(7)</sup> with regard to the second requirement of that sub-section.

Next I come to the question as to whether the copy of the petition which was supplied to the respondent and which is on record substantially complies with the requirement regarding attestation under section 81(3).

Annexures A, B and C filed with the petition contained particulars of the corrupt practices. Section 83(2) of the Representation of the People Act 1951 as originally enacted laid down that such particulars shall be contained in a list signed and verified in the manner laid down in the Code of Civil Procedure for the verification of pleadings. This provision was deleted when the Act was amended in 1956 and section 83 as it now stands provides for the setting forth of such particulars either in the petition itself or in one or more schedules or annexures. It is however laid down that any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition. These annexures are thus parts of the petition itself.

It is also provided in this section that where the petitioner alleges any corrupt practice the petition shall be accompanied by an affidavit in support of the allegations of such corrupt practice and the particulars thereof. It is in compliance with this provision that the petitioner filed an affidavit along with his petition. The copy of the affidavit was admittedly duly attested in accordance with section 81(3) and it is not necessary to consider in this case whether or not it is a part of the petition within the meaning of section 81(3).

Section 81(3) however does not lay down the manner in which a copy shall be attested by the petitioner under his own signature to be a true copy of the petition. As annexures A, B and C are parts of the petition it is necessary for the petitioner to supply the requisite number of copies of these annexures also, along with an equal number of copies of the main petition, and to attest them under his signature, in such a way, that on their face, they would appear to be attested copies of the petition and the annexures. The attestation is to be made in such a way that this object is fulfilled. So long as this object is fulfilled it does not matter where the endorsement or endorsements about attestation are placed. Nor does it matter what words are used in the endorsement to achieve this object, as no particular words are prescribed. The attestation must be made in such a way that it must appear that the main petition as well as the annexure have been attested as true copies by the petitioner. It is not necessary that the petition and the annexures should be separately attested. All that is necessary is that the endorsement of attestation made under the signature should indicate

<sup>(6)</sup> 22 E.L.R. 86.

<sup>(7)</sup> Civil Appeal No. 971 of 1963 decided on 13th January, 1964.

either by the use of appropriate words that it relates to the petition as well as the annexures or the endorsement or endorsements should be so placed that it, or they, *ex facie* govern the petition as well as the annexures.

For example one endorsement placed any where on the petition or the annexures saying that the petition as well as the annexures were being attested as true copies would be enough.

On behalf of the respondent a reference was made to section 83(2) which provides that every schedule or annexures to the petition shall be separately signed and verified by the petitioner and it was sought to infer from this that every copy of the petition and the annexures should be separately attested. In my opinion separate attestation of the copies cannot be insisted upon under section 81(3) as no separate attestation has been prescribed under this provision, as has been done under section 83(2) with regard to the signing and verification of the annexures.

The provision for separately signing and verification of each of the annexures however goes to show that even though they are parts of the petition, they are at the same time to be regarded as separate entities.

As has already been mentioned above the copy of the main petition, which consists of 5 sheets numbered serially from 1 to 5, bears no attestation on any part of it. Then follow copies of the three sheets respectively. The pages of these annexures are not numbered in continuation of the main petition or in continuation of one another. The copies of the three annexures are numbered independently. There is no attestation on any part of the copies of annexures A and B. At the foot of the last page of copy of annexure C there is an attestation by the petitioner who has inscribed the words "True Copy" under his signature. The question which arises is this. Does this attestation *ex facie* relate to all the four copies, namely, those of the main petition and the three annexures or does it relate to the copy of annexure C alone? The answer to this question must depend on whether a reasonable man who receives these four copies will think that all the four of them have been attested or only the last of them.

In my opinion any reasonable man who looks at these four copies which are all separate and have been independently numbered will only think that only the copy of annexure C has been attested as "True Copy". He will not think that copies of the main petition or of annexures A and B have also been attested.

The petitioner filed an affidavit stating that he had attested the copies of the petition and the annexures by affixing his signatures at the end of the copy of annexure C under the endorsement "True Copy" as he had been advised by his counsel to regard the annexures as a part of the petition and he believed that to be the correct advice. This allegation cannot be relied upon as the affidavit was authenticated by him by signing an endorsement of "True Copy" both on the first sheet and the last sheet. It may be mentioned here that the petitioner is himself a practising advocate.

For reasons given above I hold that substantial compliance with the requirement of attestation as laid down in section 81(3) has not been made.

In Ch. Subharao's case<sup>(7)</sup> the copies of the petition supplied under section 81(3) had been signed and verified by the election petitioner in the same manner as the original petition. One signature was appended to authenticate the contents of the petition and another to authenticate the verification of it. Their Lordships of the Supreme Court held—

"If the signature of the petitioner, whose name is set out in the body of the petition, is appended at the end, surely it authenticates the contents of the document."

It was in these circumstances that their Lordships concluded that there was substantial compliance with the requirement of attestation under section 81(3). The facts of the present case are distinguishable.

To sum up, my conclusions are—

1. Provisions of law are either mandatory or directory or partly mandatory and partly directory. Non-compliance of the mandatory part of the provision renders the act or proceeding concerned invalid irrespective of whether or not any prejudice is caused thereby to any other party.

The use of the expression "substantial compliance" is only appropriate in relation to a provision which is in part mandatory and in part directory. In case of wholly directory provision no question of substantial compliance arises.

2. Both the requirements of section 81(3) that requisite number of copies are supplied and that these copies are attested as true copies under the signature of the petitioner are mandatory. But the provisions of the sub-section should not be construed strictly or technically and if there is compliance of the substance or the essence of the two requirements, the petition should not be dismissed even though exact or literal compliance has not been made.
3. The word "petition" as used in section 81(3) includes the annexures to the petition containing particulars of corrupt practices alleged therein.
4. The manner of attestation under section 81(3) is left entirely to the petitioner, the only requirement being that the copy of the petition and the copies of each annexure should *ex facie* appear to be attested under the signature of the petitioner. This may be done by means of one single endorsement under the signature of the petitioner by the use of appropriate words which show that it governs the copy of the main petition as well as the copies of the annexures. Or it may be done by more than one endorsement under the signature of the petitioner so placed that it appears that all the copies have been certified as true copies.
5. In the present case it does not *ex facie* appear that the copy of the petition and the copies of annexures A and B have been attested. The endorsement at the foot of the last page of annexure C appears to govern that annexure only. The requirement of attestation laid down in section 81(3) has thus not been substantially complied with.

The reference is answered as indicated above.

Sd./- JAGAT NARAYAN, J.

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

JUDGMENT

Sardar Mal

Vs.

Smt. Gayatri Devi

D.B. Civil Election Appeal No. 41 of 1963 against the judgment of the Member, Election Tribunal, Shri Kameshwar Dayal, dated the 23rd October, 1962, in Election Petition No. 324 of 1962.

Date of Judgment:—2nd March, 1964.

PRESENT:

The Hon'ble Mr. Justice I. N. Modi.

The Hon'ble Mr. Justice P. N. Shinghal.

AND

For the appellant—Mr. R. K. Rastogi, Advocate.

For the respondent—Mr. H. P. Gupta, Advocate.

By the Court

According to the decision of the Majority, we hereby dismiss this appeal.

Having regard to all the circumstances of the case, however, we would make no order as to costs in this Court.

Sd./- I. N. MODI.

Sd./- P. N. SHINGHAL.

[No. 82/324/62.]

By Order,

PRAKASH NARAIN, Secy.

**MINISTRY OF HOME AFFAIRS***New Delhi, the 7th May, 1964*

**S.O. 1616.**—In exercise of the powers conferred by entry 3(c) of Schedule I annexed to the Ministry of Home Affairs Notification No. 15/13/59(V)-P. IV, dated the 13th July, 1962, [GSR No. 991, published in the Gazette of India, Part II, Section 3, sub-section (ii) dated the 28th July, 1962], the Central Government is pleased to specify the following members of the ruler of Ahirajpur:—

1. Princess Rohini Kumari, Sister of ruler,
2. Maharaj Narendra Singh, Brother,
3. Princess Sunila Kumari, Sister,
4. Maharaj Kamendra Singh, Brother.

for the purpose of that entry and directs that the exemption shall be valid in respect of one 12 bore gun, one rifle and one revolver/pistol each.

(No. 16/2/64-P. IV.)

M. SIVAGNANAM, Dy. Secy.

**MINISTRY OF FINANCE****(Department of Economic Affairs)***New Delhi, the 9th May, 1964*

**S.O. 1617.**—In exercise of the powers conferred by sub-section (2) of section 45 of the Banking Companies Act, 1949, the Central Government, after considering an application made by the Reserve Bank of India under sub-section (1) of that section, hereby makes an order of moratorium in respect of the Commercial Bank Ltd., Kottayam for the period from the 10th May 1964 to the 9th August 1964 (both days inclusive) and hereby stays the commencement or continuance of all actions and proceedings against that banking company during the period of moratorium, subject to the condition that such stay shall not in any manner prejudice the exercise by the Central Government of its powers under clause (b) of sub-section (4) of section 35 of the said Act or the exercise by the Reserve Bank of India of its powers under section 38 of the said Act.

2. The Central Government hereby also directs that, during the period of moratorium granted to it, the Commercial Bank Ltd., Kottayam shall not, without the permission in writing of the Reserve Bank of India, grant any loan or advance, incur any liability, make any investment or agree to or disburse any payment, whether in discharge of its liabilities and obligations or otherwise, or enter into any compromise or arrangement, except to the extent and in the manner provided hereunder :

- (i) the amounts of any draft or pay orders issued by the said bank and remaining unpaid on the date on which the order of moratorium comes into force;
- (ii) the amounts of the bills received for collection on or before the 9th May 1964 and realised before, on or after that date;
- (iii) any expenditure which has necessarily to be incurred in connection with any suits or appeals filed by or against or decrees obtained by the said bank or for realising any amounts due to it, provided that if the expenditure in respect of any such suit or appeal or decree or proceeding is in excess of Rs 250, the permission in writing of the Reserve Bank of India shall be obtained before it is incurred; and
- (iv) any expenditure on any other item in so far as it is in the opinion of the banking company necessary for carrying on the day-to-day administration of the banking company, provided that where the total expenditure on any item in any calendar month exceeds the average monthly expenditure on account of that item during the six calendar months preceding the order of moratorium or if no expenditure has been incurred on account of that item in the past exceeds a sum of Rs. 250, the permission in writing of the Reserve Bank of India shall be obtained before the additional expenditure is incurred.



3. The Central Government hereby also directs that the Commercial Bank Ltd., Kottayam may during the period of the moratorium granted to it, make the following further payments, namely, the amounts necessary for repaying loans or advances granted against Government securities or other securities to the Commercial Bank Ltd., Kottayam by the Reserve Bank of India or the State Bank of India or any of its subsidiaries or by any other bank and remaining unpaid on the date on which the order of moratorium comes into force.

4. The Central Government hereby further directs that during the period of moratorium, the Commercial Bank Ltd., Kottayam shall be permitted to operate its accounts with the Reserve Bank of India or with any other bank for the purposes of making the payments aforesaid provided that nothing in this order shall be deemed to require the Reserve Bank of India or any other bank aforesaid to satisfy itself that the conditions imposed by this order are being observed before any amounts are released in favour of the Commercial Bank Ltd., Kottayam.

5. The Central Government hereby further directs that the Commercial Bank Ltd., Kottayam may during the period of moratorium return any bills which have remained unrealised to the persons entitled to receive them on a request being made in this behalf by such persons, if the bank has no right or title to, or interest in, such bills.

6. The Central Government hereby also directs that the Commercial Bank Ltd., Kottayam may release or deliver goods or securities which may be pledged, hypothecated or mortgaged or otherwise charged to it against any loan, cash credit or overdraft

- (i) in any case in which full payment towards all the amounts due from the borrower or borrowers, as the case may be, has been received by the bank unconditionally; and
- (ii) in any other case, to such an extent as may be necessary or possible, without reducing the proportions of the margins on the said goods or securities below the stipulated proportions or the proportions which were maintained before the order of moratorium came into force whichever may be higher.

[No. F. 17(12)-BC/64.]

B. J. HEERJEE, Under Secy.

## (Department of Economic Affairs)

New Delhi, the 11th May 1964

S.O. 1618.—Statement of the Affairs of the Reserve Bank of India, as on the 1st May, 1964

## BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital paid up . . . . .	5,00,00,000	Notes . . . . .	20,44,16,000
Reserve Fund . . . . .	80,00,00,000	Rupee Coin . . . . .	7,33,000
National Agricultural Credit (Long Term Operations) Fund . . .	73,00,00,000	Small Coin . . . . .	4,66,000
		National Agricultural Credit (Long Term Operations) Fund	
National Agricultural Credit (Stabilisation) Fund . . . . .	8,00,00,000	(a) Loans and Advances to :—	
Deposits :—		(i) State Governments . . . . .	28,30,77,000
(a) Government		(ii) State Co-operative Banks . . . . .	8,26,19,000
(i) Central Government . . . . .	49,34,22,000	(iii) Central Land Mortgage Banks . . . . .	..
(ii) State Governments . . . . .	14,22,43,000	(b) Investment in Central Land Mortgage Bank Debentures National Agricultural Credit (Stabilisation) Fund	3,59,36,000
(b) Banks		Loans and Advances to State Co-operative Banks . . . . .	..
(i) Scheduled Banks . . . . .	91,20,53,000	Bills purchased and Discounted :—	
(ii) State Co-operative Banks . . . . .	2,19,51,000	(a) Internal . . . . .	..
(iii) Other Banks . . . . .	4,85,000	(b) External . . . . .	..
(c) Others . . . . .	159,44,33,000	(c) Government Treasury Bills . . . . .	64,93,10,000
Bills Payable . . . . .	42,93,69,000	Balances Held Abroad* . . . . .	9,36,28,000
Other Liabilities . . . . .	74,44,44,000	Loans and Advances to Governments** . . . . .	74,47,90,000
Rupees . . . . .	599,84,00,000	Loans and Advances to :—	
		(i) Scheduled Banks† . . . . .	65,52,55,000
		(ii) State Co-operative Banks†† . . . . .	111,99,46,000
		(iii) Others . . . . .	1,79,25,000
		Investments . . . . .	179,70,57,000
		Other Assets . . . . .	31,32,42,000
		Rupees . . . . .	599,84,00,000

\*Includes Cash and Short-term Securities.

\*\*Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments

†Includes Rs. 22,58,15,000 advanced to scheduled banks against usance bills under section 17(4) (c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 6th day of May, 1964.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 1st day of May 1964

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department . . . . .	20,44,16,000		Gold Coin and Bullion :—		
Notes in circulation . . . . .	2533,42,84,000		(a) Held in India . . . . .	117,76,10,000	
Total Notes issued		2553,87,00,000	(b) Held outside India . . . . .	..	
			Foreign Securities . . . . .	103,45,69,000	
			TOTAL . . . . .		221,21,79,000
			Rupee Coin . . . . .		105,25,79,000
			Government of India Rupee Securities . . . . .		2227,39,42,000
			Internal Bills of Exchange and other . . . . .		..
TOTAL LIABILITIES . . . . .		2553,87,00,000	TOTAL ASSETS . . . . .		2553,87,00,000

Dated the 6th day of May, 1964.

P. C. BHATTACHARYA,  
Governor

[No. F. 3(2)-BC/64.]  
A. BAKSI, Jr. Secy.

CORRIGENDUM

In the Statement of Affairs of the Reserve Bank of India Banking Department as on 20th March, 1964, published in the Gazette of India dated 4th April, 1964, Part II Section 3(ii) on page 1349, on "Liabilities" side for the amount "26,26.95,000" indicated against item (a) (ii) under the heading Deposits read 26,24,95,000.

## CENTRAL BOARD OF DIRECT TAXES

## INCOME-TAX

New Delhi, the 7th May 1964

**S.O. 1619.**—In exercise of the powers conferred by sub-section (1) of section 122 of the Income-tax Act, 1961 (43 of 1961) and in supersession of all the previous notifications in this regard, the Central Board of Direct Taxes hereby directs that the Appellate Assistant Commissioners of Income-tax of the Ranges specified in column 1 of the Schedule below, shall perform their functions in respect of all persons and incomes assessed to Income-tax or Super-tax in the Income-tax Circles, Wards and Districts specified in the corresponding entry in column 2 thereof:—

## SCHEDULE

Range 1	Income-tax Circles, Wards and Districts 2
Patna-A	<ol style="list-style-type: none"> <li>1. Income-tax Circle, Patna I.</li> <li>2. Income-tax Circle, Patna II.</li> <li>3. Shahabad Circle, Arrah.</li> <li>4. Patna Circle, Patna.</li> </ol>
Patna-B.	<ol style="list-style-type: none"> <li>1. Special Investigation Circle, Patna.</li> <li>2. Special Circle, Patna.</li> <li>3. Salaries Circle, Patna.</li> <li>4. Monghyr Circle, Monghyr.</li> <li>5. Special Estate Duty-cum-Income-tax Circle, Patna.</li> </ol>
Muzaffarpur.	<ol style="list-style-type: none"> <li>1. Mazaffarpur Circle, Mazaffarpur.</li> <li>2. Darbhanga Circle, Laheriasarai.</li> <li>3. Champaran Circle, Motihari.</li> <li>4. Saran Circle, Chapra.</li> <li>5. Purnea-Saharsa Circle, Purnea.</li> </ol>
Bhagalpur.	<ol style="list-style-type: none"> <li>1. Bhagalpur Circle, Bhagalpur.</li> <li>2. Santhal Pargana Circle, Deoghar.</li> </ol>
Ranchi.	<ol style="list-style-type: none"> <li>1. Ranchi Palamau Circle, Ranchi.</li> <li>2. Ranchi Special Circle, Ranchi.</li> <li>3. Ranchi Special Estate Duty-cum-Income-tax Circle Ranchi.</li> <li>4. Salaries Circle, Ranchi.</li> <li>5. Palamau Circle, Daltonganj.</li> <li>6. Ranchi Circle, Ranchi.</li> <li>7. Gaya Circle, Gaya.</li> <li>8. Hazaribagh Circle, Hazaribagh.</li> </ol>
Jamshedpur.	<ol style="list-style-type: none"> <li>1. Singhbhum Circle, Jamshedpur.</li> <li>2. Salaries Circle, Jamshedpur.</li> <li>3. Dhanbad Circle, Dhanbad.</li> <li>4. Colliery Circle, Dhanbad.</li> </ol>
Cuttack.	<ol style="list-style-type: none"> <li>1. Cuttack Circle, Cuttack.</li> <li>2. Special Circle, Cuttack.</li> <li>3. Baripada Circle, Baripada.</li> <li>4. Sambalpur Circle, Sambalpur.</li> <li>5. Sundergarh Circle, Rourkela.</li> </ol>
Berhampur.	<ol style="list-style-type: none"> <li>1. Berhampur Circle, Berhampur.</li> <li>2. Titlagarh Circle, Titlagarh.</li> <li>3. Puri Circle, Puri.</li> <li>4. Salaries Circle, Puri.</li> </ol>

Where an Income-tax Circle, Ward or District or part thereof stands transferred by this notification from one Range to another Range, appeals arising out of assessments made in that Income-tax Circle, Ward or District or part thereof and pending immediately before the date of this notification before the Appellate Assistant Commissioner of the Range from whom that Income-tax Circle, Ward or District or part thereof is transferred shall, from the date this notification

shall take effect, be transferred to and dealt with by the Appellate Assistant Commissioner of the Range to whom the said Circle, Ward or District or part thereof is transferred.

This notification shall take effect from 11th May, 1964.

*Explanatory Note*

The amendments have become necessary on account of the creation of two new ranges in the Commissioner's charge.

(The above note does not form a part of the notification but is intended to be merely clarificatory.)

[No. 26 (F. No. 50/3/64-ITJ).]

*New Delhi, the 8th May 1964*

**S.O. 1620.**—In exercise of the powers conferred by sub-section (1) of Section 122 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following amendments in the Schedule appended to its notification S.O. 1447 dated the 2nd May, 1964 (No. 24-Income-tax F. No. 50/1/64-IT dated 25th April 1964), namely:—

In the said Schedule under the existing entries in col. 2 against Visakhapatnam Range, the following shall be substituted, namely:—

1. Visakhapatnam.
2. Vizianagaram.
3. Srikakulam.
4. Rajahmundry.
5. Kakinada.
6. Palacole.
7. Ramachandrapuram.

*Explanatory Note*

The amendments have become necessary on account of the creation of a new Circle in the Commissioner's charge.

(The above note does not form a part of the notification but is intended to be merely clarificatory.)

[No. 27(F. No. 50/1/64-ITJ).]

*New Delhi, the 11th May 1964*

**S.O. 1621.**—In exercise of the powers conferred by sub-section (1) of section 122 of the Income-tax Act, 1961 (43 of 1961), and in supersession of all previous notifications in this regard, the Central Board of Direct Taxes hereby directs that the Appellate Assistant Commissioners of Income-tax of the Ranges specified in column 1 of the schedule below shall perform their functions in respect of all persons and incomes assessed to income-tax or super-tax in the Income-tax Circles, Wards and Districts specified in the corresponding entry in column 2 thereof:—

**SCHEDULE**

Ranges	Income-tax Circles, Wards and Districts
1	2
Agra	1. Agra. 2. Firozabad. 3. Mathura.
Moradabad	1. Moradabad. 2. Najibabad.
Range—I, Lucknow	1. Project Circle, Lucknow. 2. A, B & E Ward of Lucknow Circle. 3. Sitapur.

Ranges	Income-tax Circles, Wards and Districts
1	2
Range—II, Lucknow	<ol style="list-style-type: none"> <li>1. C, D &amp; A(i) Wards of Lucknow.</li> <li>2. Special Survey Circle, Lucknow.</li> <li>3. Gonda.</li> <li>4. Gorakhpur.</li> <li>5. Faizabad.</li> </ol>
Varanasi	<ol style="list-style-type: none"> <li>1. Varanasi.</li> <li>2. Special Survey Circle, Varanasi.</li> <li>3. Project Circle, Varanasi.</li> <li>4. Azamgarh.</li> </ol>
Allahabad	<ol style="list-style-type: none"> <li>1. Allahabad.</li> <li>2. Central Circle, Allahabad.</li> <li>3. Mirzapur.</li> <li>4. Jaunpur.</li> <li>5. Estate Duty-cum-Income-tax Circle, Allahabad.</li> </ol>
Kanpur I	<ol style="list-style-type: none"> <li>1. District I, Kanpur.</li> </ol>
Kanpur II	<ol style="list-style-type: none"> <li>1. District II, Kanpur.</li> <li>2. Special Survey Circle, Kanpur.</li> <li>3. Project Circle, Kanpur.</li> <li>4. Central Circle, Kanpur.</li> <li>5. Etawah.</li> </ol>
Kanpur III	<ol style="list-style-type: none"> <li>1. Special Investigation Circle, Kanpur.</li> <li>2. Fatehgarh.</li> <li>3. Banda.</li> <li>4. District III, Kanpur.</li> <li>5. Jhansi.</li> </ol>
Dehra Dun	<ol style="list-style-type: none"> <li>1. Dehra Dun.</li> <li>2. Saharanpur.</li> <li>3. Muzaffarnagar.</li> <li>4. Bullandshahr.</li> </ol>
Bareilly	<ol style="list-style-type: none"> <li>1. Bareilly.</li> <li>2. Aligarh.</li> <li>3. Rampur.</li> </ol>
Meerut	<ol style="list-style-type: none"> <li>1. Meerut.</li> <li>2. Special Investigation Circle 'A', Meerut.</li> <li>3. Special Investigation Circle 'B', Meerut.</li> <li>4. Salary Circle, Meerut.</li> <li>5. Project Circle, Meerut.</li> <li>6. Estate Duty-cum-Income-tax Circle, Meerut.</li> <li>7. Special Survey Circle, Meerut.</li> </ol>

Where an Income-tax Circle, Ward or District or part thereof stands transferred by this notification from one Range to another Range, appeals arising out of assessments made in that Income-tax Circle, Ward or District or part thereof and pending immediately before the date of this notification before the Appellate Assistant Commissioner of the Range from whom that Income-tax Circle, Ward or District or part thereof is transferred shall, from the date this notification shall take effect, be transferred to and dealt with by the Appellate Assistant Commissioner of the Range to whom the said Circle, Ward or District or part thereof is transferred.

This notification shall take effect from 15th May, 1964.

#### *Explanatory Note*

The amendments have become necessary on account of the creation of two additional Appellate Ranges in charge of the Commissioner of Income-tax, Uttar Pradesh and abolition of the Gorakhpur Range.

(The above note does not form a part of the notification but is merely clarificatory.)

[No. F. 31 (F. No. 50/15/63-IT).]

S. DWIVEDI, Under Secy.

**CENTRAL EXCISE COLLECTORATE, KANPUR**

*Kanpur, the 10th April, 1964*

**S.O. 1622.**—In exercise of the powers vested in me under Rule 5, of the Central Excise Rules, 1944, I hereby empower the Assistant Collectors of Central Excise to exercise, within their jurisdiction, the powers of the Collector under the proviso to para 5 of the Appendix to Rule 12-A, of Central Excise Rules 1944 (I of 1944) to condone the delay upto 15 days in presentation of refund claim after expiry of the 3 months from the date of export as required under item 4 of Appendix to the said rules.

[No. 4/64.]

VIPIN MANEKLAL, Collector.

**OFFICE OF THE COLLECTOR OF CENTRAL EXCISE, HYDERABAD**

*Hyderabad, the 25th April, 1964*

**S.O. 1623.**—In exercise of the powers conferred upon me under Rule 5 of Central Excise Rules, 1944, I hereby delegate to the Asst. Collectors dealing with refund applications, the powers exercised by me under the proviso to para 5, of the appendix to Rule 12-A of the Central Excise Rules, 1944, to condone delays in presentation of claims upto a period of 15 days after the expiry of three months from the date of export.

[No. 2/General No. 2/64.]

R. C. MEHRA, Collector.

**CENTRAL EXCISE COLLECTORATE, ALLAHABAD**

*Allahabad, the 27th April, 1964.*

THIRD AMENDMENT TO NOTIFICATION No. 6/CE/63 DATED 27-4-64.

**S.O. 1624.**—In exercise of the powers conferred on me by rule 5 of the Central Excise Rules, 1944, the following amendment shall be made in this Collectorate Notification No. 6/CE/63, dated 6th May, 1963, namely:—

(1) The existing entry, in column 4 of the table annexed to the said Notification, relating to rule 12A, against Sl. No. 1 shall be numbered as "(1)" and the words "relating to parts" occurring therein shall be deleted.

(2) After the aforesaid entry numbered as '(4)' the following entry shall be inserted, namely:—

"(ii) To condone delays in presentation of claims for rebate in respect of exports other than through major ports, upto a period of 15 days after the expiry of the three months from the date export under item 5 of the appendix appearing below note to rule 12-A".

[No. 3/CE/64.]

B. D. DESHMUKH, Collector.

**ERRATA.**

In Notification No. 1/CE/64, of the Central Excise Collectorate, Shillong, dated 30th January, 1964, published in the Gazette of India, Part II—Section 3(ii), dated 15th February, 1964, as S.O. 524, the following corrections are to be made:—

Page 727, Under Col. 4 of the Schedule,—

For "6 Acres.

10 Acres.

10 Acres."

Read "6 Ares.

10 Ares.

10 Ares".

**MINISTRY OF INTERNATIONAL TRADE****ORDER****IMPORT TRADE CONTROL.***New Delhi, the 9th May 1964*

**S.O. 1625/IECA/3-4A/8/64.**—In exercise of the powers conferred by sections 3 and 4A of the Imports and Exports (Control) Act, 1947 (18 of 1947), the Central Government hereby makes the following Order further to amend the Imports (Control) Order, 1955, namely:—

1. **Short title.**—This Order may be called the Imports (Control) Eighth Amendment Order, 1964.

2. **Amendment of clause 11.**—In clause 11 of the Imports (Control) Order, 1955, for sub-clause (n), the following sub-clause shall be substituted, namely:—

“(n) being vehicles as defined in Article I of the Customs Convention on the Temporary Importation of Private Road Vehicles or the component parts thereof referred to in Article 4 of the said Convention and are exempt from the payment of customs duty under notification of the Government of India in the Ministry of Finance (Department of Revenue) No. 224, dated the 3rd August, 1958, as subsequently amended, provided that—

- (i) such vehicles or component parts are re-exported within the period specified in the said notification or within such further period as the customs authorities may allow,
- (ii) the provisions of the said notification or of the “Triptyque” or ‘Carnet-De-Passage’ permit are not contravened in relation to such vehicles or component parts,

failing which the provisions of this Order shall apply to such vehicles or component parts and such vehicles or component parts shall be deemed to be goods, the import of which has been prohibited under the Customs Act, 1962 (52 of 1962).”

[No. 11/64.]

P. N. SAREEN, Under Secy.

**MINISTRY OF STEEL, MINES AND HEAVY ENGINEERING****(Department of Heavy Engineering)***New Delhi, the 1st May 1964*

**S.O. 1626.**—Under clause 2(a) of the Motor Cars (Distribution & Sale) Control Order, 1959, the Central Government hereby appoint Shri N. Radhakrishnan, Under Secretary, Department of Heavy Engineering, Ministry of Steel, Mines and Heavy Engineering, as Controller of Motor Cars for the purposes of the said order, *vice* Shri P. R. Nayak.

[No. A.E. Ind. 8(14)/64.]

**S.O. 1627.**—Under clause 2(a) of Commercial Vehicles (Distribution & Sale) Control Order, 1963, the Central Government hereby appoint Shri N. Radhakrishnan, Under Secretary, Department of Heavy Engineering, Ministry of Steel, Mines & Heavy Engineering, as Controller of Commercial Vehicles for the purpose of the said order *vice* Shri P. R. Nayak.

[No. A.E. Ind. 15(8)/64.]

R. V. RAMAN, Jt. Secy.

**(Department of Mines and Metals)***New Delhi, the 8th May 1964*

**S.O. 1628.**—In exercise of the powers conferred by section 3 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby appoints every Assistant Revenue Officer of the National Coal Development Corporation Limited to be competent authority for the purposes of section 12 of the said Act.

[No. C2-1(1)/64.]



**S.O. 1629.**—Whereas by the notification of the Government of India in the late Ministry of Mines and Fuel S.O. 3044 dated the 5th September, 1963 under sub-section (1) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) the Central Government gave notice of its intention to acquire the lands in the locality specified in the Schedule appended to that notification.

And whereas the competent authority in pursuance of section 8 of the said Act has made his report to the Central Government.

And whereas the Central Government after considering the report and after consulting the Government of Bihar is satisfied that the lands measuring 4.88 acres (Approx.) or 1.98 Hectares (Approx.) described in the Schedule appended hereto should be acquired.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 9 of the said Act, the Central Government hereby declares that the lands measuring 4.88 acres (Approx.) or 1.98 Hectares (Approx.) described in the said Schedule are hereby acquired.

The plans of the area covered by this notification may be inspected in the office of the Deputy Commissioner, Hazaribagh (Bihar) or in the Office of the Coal Controller, 1, Council House Street, Calcutta or in the Office of the National Coal Development Corporation Limited (Revenue Section) "Darbhanga House", Ranchi.

#### SCHEDULE-

Drg. No. Rev/117/63  
Dated 13-10-1963

(Showing lands acquired)

#### ARGADA BLOCK EXTENSION

##### SUB-BLOCK 'A'

(South Karanpura Coalfield)

'All Rights'

Sl. No.	Village	Thana	Thana No.	District	Area	Remarks
1.	Manua'n	Mandu	139	Hazaribagh		Part
2.	Hesla	Mandu	138	Hazaribagh		Part
Total area: 4.88 acres (Approx.)						
OR 1.98 hectares (Approx.)						

Plot Nos. acquired in village Manua'n:—

47(P) and 120(P).

Plot No. acquired in village Hesla:

1(P)

#### BOUNDARY DESCRIPTION:

- 1—2 line passes through plot No. 47 of village Manua'n and meets at point '2'.
- 2—3 line passes through plot Nos. 47, 120 of village Manua'n and through plot No. 1 of village Hesla and meets at point '3'.
- 3—4 line passes through the plot No. 1 of village Hesla and meets at point '4'.
- 4—1 line passes through plot No. 1 of village Hesla and through plot Nos. 120 and 47 of village Manua'n and meets at point '1'.

## ERRATA

New Delhi, the 8th May 1964

**S.O. 1630.**—In the notification of the Government of India in the Ministry of Steel, Mines and Heavy Engineering (Department of Mines and Metals) S.O. No. 463 dated the 25th January, 1964 published at pages 618-619 in Part II of Section 3, Sub-section (ii) of the Gazette of India dated the 8th February, 1964, at page 619

- (a) in line 2 for "dated 1.12.63" read "Dated 17.12.1963";
- (b) in line 8, in the tabular statement under the heading "District and State", below "Dhenkanal" insert "(Orissa)";
- (c) in line 13, for "Langjoda" read "Laugljoda";
- (d) in line 27, for "1140(P)" read "1140".

[No. C2-21(5)/63.]

**S.O. 1631.**—In the Notification of the Government of India, in the late Ministry of Mines and Fuel S.O. No. 40 dated the 27th December, 1963 published at page 39 in Part II, Section 3, Sub-section (ii) of the Gazette of India, dated the 4th January, 1964, in the twenty-first line, for "Sahool" read "Sahdol".

[No. C2-22(21)/63.]

**S.O. 1632.**—In the notification of the Government of India in the Ministry of Steel, Mines and Heavy Engineering No. S.O. 603 dated the 14th February, 1964, published in Part II, Section 3, Sub-section (ii) of the Gazette of India, dated the 22nd February, 1964 at pages 817 and 818

at page 817—

In the Tabular Statement, in the headings to columns, after "District", read the headings, "Area" and "Remarks".

at page 818—

- (i) In the 5th line for "Birampur" read "Bishrampur"
- (ii) In the 42nd line, for "Villages Naktikhar and Kharmora" read "village Naktikhar".

[No. C2-22(13)/63.]

**S.O. 1633.**—In the notification of the Government of India, in the late Ministry of Mines and Fuel S.O. No. 39 dated the 27th December, 1963 published at page 38 in Part II, Section 3, Sub-section (ii) of the Gazette of India, dated the 4th January, 1964, in the thirtyseventh line for "KACHANIA" read "KACHARIA".

[No. C2-22(22)/63.]

A. NABAR, Under Secy.

## MINISTRY OF FOOD AND AGRICULTURE

(Department of Agriculture)

## CORRIGENDUM

New Delhi, the 5th May 1964

**S.O. 1634.**—In the Pepper Grading and Marking (Amendment) Rules, 1963, published under the notification of the Government of India in the Ministry of Food and Agriculture (Department of Agriculture) No. S.O. 49 dated the 30th December, 1963, at page 53 of the Gazette of India, Part II, Section 3(ii), dated the 4th January, 1964—

At page 53, in clause (i) of rule 2

for "Schedules I to VI" read "Schedules I to V"

[No. F. 17-3/63-AM.]

R. R. GUPTA, Under Secy.

(Deptt. of Agriculture)

**Indian Council of Agricultural Research**

*New Delhi, the 5th May 1964*

**S.O. 1635.**—The following draft of certain rules further to amend the Indian Central Oilseeds Committee Provident Fund Rules, 1961, which the Central Government proposes to make, in exercise of the powers conferred by section 17 of the Indian Oilseeds Committee Act, 1946 (9 of 1946), is published, as required by sub-section (1) of the said section, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 10th June, 1964.

2. Any objection or suggestion, which may be received from any person with respect to the said draft before the date so specified, will be considered by the Central Government.

*Draft Rules*

1. These rules may be called the Indian Central Oil-seeds Committee Provident Fund (Amendment) Rules, 1964.

2. In the Indian Central Oilseeds Committee Provident Fund Rules, 1961—

(i) in sub-rule (2) of rule 8, for the words "from the second year of his service" the words "from the date on which he subscribes to the Fund" shall be substituted;

(ii) Rule 13 shall be omitted;

(iii) after rule 14 the following rule shall be inserted, namely:—

"15. Where any subscriber was financing, immediately before the 12th March, 1962, any insurance policy from the amount standing to his credit in the Fund in respect of his own subscriptions and interest thereon, the Committee may sanction withdrawals to such subscriber from such amount to finance such insurance policy."

(iv) after rule 16, the following rules shall be inserted namely:—

"16-A. Subject to the provisions of this rule and rule 16-B, withdrawals by a subscriber may be sanctioned by the authorities competent to sanction an advance for special reasons, at any time after the completion of 20 years of service (including broken period of service, if any), of a subscriber or within ten years before the date of his retirement on superannuation whichever is earlier from the amount standing to his credit in the Fund for one or more of the following purposes, namely:—

(a) meeting the cost of higher education, including where necessary, the travelling expenses, of any child of the subscriber—

(i) for education outside India for academic technical, professional or vocational course beyond the High School stage, or

(ii) for any medical, engineering or other technical or specialised course in India beyond the High School stage, provided that the course of study is for not less than three years;

(b) meeting the expenditure in connection with the marriage of the subscriber's sons or daughters and if he has no daughter, of any other female relation dependent on him;

(c) meeting the expenses in connection with the illness including, where necessary, the travelling expenses of the subscriber or any person actually dependent on him;

(d) building or acquiring a suitable house for his residence, including the cost of the site, or repaying any outstanding amount on account of loan expressly taken for this purpose before the date of receipt of the application for withdrawal but not earlier than twelve months of that date, or reconstructing, or making additions

or alterations to, a house already owned or acquired by a subscriber;

- (e) purchasing a house-site or repaying any outstanding amount on account of any loan expressly taken for this purpose before the date of receipt of the application for the withdrawal but not earlier than twelve months of that date;
- (f) constructing a house on a site purchased with the sum withdrawn under clause (c):

Provided that a subscriber who has availed himself of an advance under the scheme of the Ministry of Works, Housing and Rehabilitation, for the grant of advances for house building purposes, as applied to the employees of the Committee, *mutatis mutandis*, or has been allowed any assistance in this regard from any other source, including Government source, shall not be eligible for the grant of withdrawal under clause (d) or clause (e) or clause (f) except for the purpose of payment of any loan taken under the aforesaid scheme.

- 16-B (1) Any sum withdrawn by a subscriber at any one time for one or more of the purposes specified in rule 16-A from the amount of his subscription and interest thereon standing to his credit in the Fund shall not ordinarily exceed one half of such amount or six months pay, whichever is less. Provided that the sanctioning authority may sanction withdrawal of an amount in excess of the limit aforesaid upto three-fourths of the balance at his credit in the Fund having due regard to (i) the object for which the withdrawal is being made, (ii) the status of the subscriber, and (iii) the amount to his credit in the Fund.

(2) A subscriber who has been permitted to withdraw money from the Fund under rule 16-A shall satisfy the sanctioning authority within such period as may be specified by that authority that the money has been utilised for the purpose for which it was withdrawn, and if he fails to do so, the whole of the sum so withdrawn, or so much thereof as has not been applied for the purpose for which it was withdrawn shall forthwith be repaid in one lump-sum, together with the interest thereon calculated under rule 12, by the subscriber to the Fund, and in default of such payment, it shall be ordered by the sanctioning authority to be recovered from his emoluments either in a lump-sum or in such number of monthly instalments, as may be determined by the Committee.

(3) Nothing in sub-rule (2) shall be deemed to require a subscriber whose deposits in the Fund carry no interest, to pay any interest on any sum repayable by him under that sub-rule.

- 16-C. A subscriber who has already drawn or may draw an advance under rule 14 for any of the purposes specified in clauses (a) (b) and (c) of rule 16-A may convert, at his discretion, by a written request addressed to the Secretary, the balance outstanding against it into a final withdrawal on his satisfying the conditions laid down in rules 16-A and 16-B.)"

- (v) in clause (c) of rule 20 for the words "Lapse and Forfeiture Account" the words "funds of the Committee" shall be substituted;
- (vi) after sub-rule (4) of rule 22 the following sub-rule shall be inserted, namely:—  
 "(5) Any profit arising on any of the said investments shall be divided amongst the members of the Fund each year in such proportion as the Committee may decide, after meeting any loss or depreciation of or in the investments of the Fund."
- (vii) sub-rule (3) of rule 25 shall be omitted;
- (viii) after rule 25, the following rules shall be inserted, namely:—

"26. *Power to relax.*—Where the Central Government is satisfied that the operation of any of these rules causes or is likely to cause undue

hardship to a subscriber, it may, after recording the reasons for so doing and notwithstanding anything contained in these rules, deal with the case of such subscriber in such manner as may appear to it to be just and equitable.

27. *Special provision with respect to amounts standing to the credit of the 'lapse and forfeiture account'.*—Notwithstanding the omission of rule 13 by the Indian Central Oil-seeds Committee Provident Fund (Amendment) Rules, 1964, any amount standing to the credit of the 'Lapse and forfeiture account' referred to in that rule, and left unutilised immediately before the commencement of the said rules, shall continue to be utilised for the purposes mentioned in that rule as it stood before such commencement."

[No. 8-112/62-Com. II/III.]

N. K. DUTTA, Under Secy.

## MINISTRY OF TRANSPORT

(Transport Wing)

New Delhi, the 2nd May 1964

**S.O. 1636.**—In exercise of the powers conferred by clause (1) of article 299 of the Constitution, the President hereby direct, that the following instrument may be executed on his behalf by the Chairman, Inter-State Transport Commission, New Delhi:—

"Agreement between Rivers Steam Navigation Company Limited (40 St. May Axe, London, and 2, Fairlie Place, Calcutta) and the President of India for the grants of temporary loan of Rs. 60 lakhs by the Government of India to the said company."

[No. 7-IWT(22)/63-ML.]

G. VENKATESWARA AYYAR, Secy.

## MINISTRY OF EDUCATION

(Deptt. of Education)

ARCHAEOLOGY

New Delhi, the 29th April 1964

**S.O. 1637.**—Whereas by notification of the Government of India in the Ministry of Education No. F. 4-31/63-C1, dated the 24th December, 1963, published in Part II, section 3, sub-section (ii) of the Gazette of India dated the 4th January, 1964, the Central Government gave notice of its intention to declare the archaeological monument specified in the Schedule below to be of national importance.

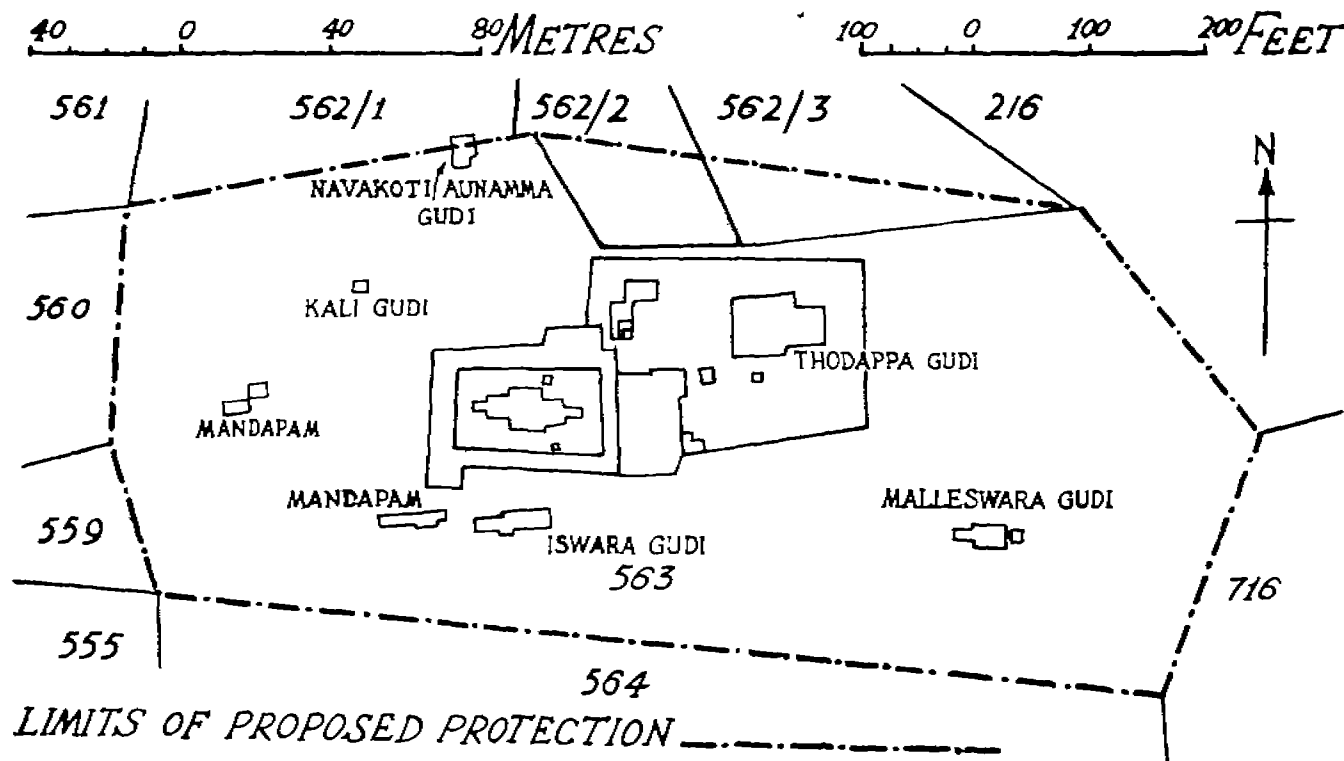
And whereas no objections have been received to the making of such declaration.

Now, therefore, in exercise of the powers conferred by sub-section (3) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby declares the said archaeological monument to be of national importance.

## SCHEDULE

SL No.	State	District	Tehsil	Locality	Name of monument	Revenue plot number to be included under protection	Area	Boundaries	Ownership	Remarks
1	2	3	4	5	6	7	8	9	10	11
1	Andhra Pradesh	Anantapur	Madakasira	Hemavau	Group of old temples together with adjacent land comprised in survey plot No. 563 and part of survey plot Nos. 562/2 and 562/3 as shown in the site plan below.	Whole of survey plot No. 563 and part of survey plot Nos. 562/2 and 562/3 as shown in the site plan below.	8.98 Acres.	North.—Survey plot No. 562/1 and remaining portions of survey plot Nos. 562/2 and 562/3. East:—Survey plot Nos. 216 and 716. South:—Survey plot No. 564. West:—Survey plot Nos. 559 and 560.	Temple poramboke.	The temples are ownerless but being maintained by the Trustees appointed by the Hindu Religious and Charitable Endowments Board, Andhra Pradesh. The temples are under worship.

# SITE PLAN OF OLD TEMPLES AT HEMAVATI



[No. F. 4-31/63-CL.]

## CORRIGENDUM

## ARCHAEOLOGY

New Delhi, the 4th May 1964

**S.O. 1638.**—In the schedule to the notification published as S.O. No. 784 on page 995 in Part II, Section 3(ii) of the Gazette of India, dated the 7th March, 1964, the following correction is notified:—

In column 4 under the heading "Locality" for the word "Jadishpur" substitute "Jagdishpur".

(No. F. 4-12/63 C. 1.)

S. J. NARSIAN,  
Assistant Educational Adviser.

## MINISTRY OF REHABILITATION

(Office of the Chief Settlement Commissioner)

New Delhi, the 5th May 1964

**S.O. 1639.**—Whereas the Central Government is of the opinion that it is necessary to acquire the evacuee properties in the Schedule hereto annexed in the State of Madhya Pradesh for public purpose being a purpose connected with the relief and rehabilitation of Displaced Persons including payment of Compensation to such persons.

Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954) it is notified that the Central Government has decided to acquire and hereby acquires the Evacuee Properties specified in the Schedule hereto annexed.

## SCHEDULE

Sl. No.	Particulars of the property	Name of the town and locality/ village in which the property is situated.	Name of the evacuee with Parentage.
1	House No. 1/661	Mohalla Talliya Sironj Distt. Vidisha.	Shri Vilayat Mohd. Khan son of Hidayat Mohd. Khan.
2	House No. 35	Mohalla Dayar Pora, Sohagpur, District Hoshangabad.	Shri Mustafa Guard.
3	Agricultural lands.	Land in village Kalhemata P. C. 87 circle Sihewa bearing below noted khasra in Tehsil Dhamtari Distt. Raipur.	Shri Abdul Latif son of Abdul Sattar Khan.
Khasra No.			Area
1.	3/1	.	0 42
2.	7	.	1 86
3.	8/1	.	2 03
4.	72/2	.	0 13
5.	36	.	0 41
6.	37	.	0 97
7.	38	.	1 06
8.	40/1	.	4 08
9.	40/2	.	0 18
10.	41	.	8 04
11.	46/1	.	2 24
12.	46/2	.	0 76
13.	47	.	1 84
14.	59/1	.	2 85



Sl. No.	Particulars of the property	Name of the town and locality/ village in which the property is situated.	Name of the evacuee with parentage.
15.	59/2	. . . . .	0 12
16.	62/1	. . . . .	0 10
17.	62/2	. . . . .	0 66
18.	62/4	. . . . .	1 00
19.	70/1	. . . . .	0 08
20.	71	. . . . .	0 17
21.	72/2	. . . . .	0 20
22.	75/1	. . . . .	2 35
23.	75/3	. . . . .	0 45
24.	75/4	. . . . .	0 79
25.	75/5	. . . . .	0 97
26.	75/6	. . . . .	0 43
27.	76/1	. . . . .	2 80
28.	76/1	. . . . .	0 40
29.	76/1	. . . . .	0 41
30.	77/5	. . . . .	0 10
31.	78/2	. . . . .	0 09
32.	79/1	. . . . .	1 12
33.	79/2	. . . . .	0 85
34.	80	. . . . .	0 79
35.	82/1	. . . . .	0 52
36.	82/2	. . . . .	0 25
37.	113	. . . . .	3 77
38.	115/2	. . . . .	0 25
39.	126/1	. . . . .	0 17
40.	126/2	. . . . .	0 16
41.	126/3	. . . . .	0 10
42.	126/4	. . . . .	0 12
43.	91	. . . . .	0 47
44.	29/1	. . . . .	1 68
45.	30	. . . . .	2 35
46.	33/15	. . . . .	0 04
47.	42	. . . . .	0 49
48.	49	. . . . .	0 95
49.	52/1	. . . . .	3 16
50.	52/3	. . . . .	5 24
51.	55/1	. . . . .	0 31
52.	75/2	. . . . .	1 00
		52	61 84 acres.
4.	House No. 378	Juna Risala, Indore	Azmat Begum wife of Nazir Khan and Habib Mohd. son of Nazir Mohd.
5	House No. 225/2 House No. 222 House No. 221 plot in front of House No. 224 and 225.	Galgala Ward Jawahar Ganj, Jabalpur.	Shri Mohd. Ali Shah son of S.N Ali Shah.
6	House No. 931	Mochawadi Maudsaur	Shri Abbas Bhai son of Faele Hussain.

[No. 13(3) Comp. &amp; Prop/61.]

New Delhi, the 8th May 1964

**S.O. 1640.**—In exercise of the powers conferred by Sub-section (1) of section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, (44 of 1954), and in supersession of the notification of the Government of India in the Ministry of Works, Housing and Rehabilitation (Department of Rehabilitation)

No. 3(1) Land R/64, dated the 24th January, 1964, the Central Government hereby appoints Shri Balmukand Sharma, Deputy Secretary, Rehabilitation Department, Punjab Government so long as he holds that post, to be a Settlement Commissioner in the State of Punjab, for the purpose of performing, in addition to his own duties as Deputy Secretary, Rehabilitation Department, Punjab Government the functions assigned to a Settlement Commissioner by or under the said Act, in respect of agricultural lands and shops in any rural area including houses, cattle sheds and vacant sites forming part of the compensation pool.

[No. 3(1) L & R/64.]

M. J. SRIVASTAVA,  
Settlement Commissioner and *ex-Officio*  
Under Secy.

## MINISTRY OF INFORMATION AND BROADCASTING

*New Delhi, the 6th May, 1964.*

**S.O. 1641.**—In exercise of the powers conferred by sub-section (1) of Section 8C of the Press and Registration of Books Act, 1867, as amended, the Central Government hereby appoints Shri Nagendra Singh, Special Secretary to the Government of India, Ministry of Information and Broadcasting, as Chairman of the Press and Registration Appellate Board, *vice* Shri Nawab Singh resigned.

[No. 5/6/64-IP.]

R. K. GOVIL, Under Secy.

## MINISTRY OF LABOUR AND EMPLOYMENT

*New Delhi, the 5th May 1964*

**S.O. 1642.**—In pursuance of section 17 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Khas Godhar Colliery, Post Office Kusunda, (Dhanbad) and their workmen, which was received by the Central Government on the 1st May, 1964.

### BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

In the matter of a Reference Under Section 10(1)(d) of the Industrial Disputes Act, 1947.

REFERENCE No. 6 OF 1963.

PARTIES: Employers in relation to the Khas Godhar Colliery. P. O. Kusunda, Dhanbad.

AND

Their workmen.

PRESENT: Shri Raj Kishore Prasad, M.A., B.L., Presiding Officer.

#### APPEARANCES:

*For the Employers:* Shri Kesar Dev Agarwala, with  
Sri Brahamadeo Jha, Clerk.

*For the workmen:* Shri Prasanta Burman, General Secretary, with  
Sri A. Sharma.

STATE: Bihar.

INDUSTRY: Coal.

*Dhanbad, dated, the 26th February, 1964*

#### AWARD

Ministry of Labour & Employment, Government of India, by its Order No. 2/117/62-LR.II dated the 14th January, 1963, referred under Section 10(1)(d) of

the Industrial Disputes Act, 1947, an industrial dispute existing between the employers in relation to the Khas Godhar Colliery and their workmen, for adjudication to this Tribunal, in respect of the matter specified below :

"Whether the termination of service of Shri Harkhu Rewani, Mechanical Fitter, by the management of Khas Godhar Colliery was legal and proper; if not, to what relief is he entitled?"

2. The workman concerned filed a written statement on 4th February 1963, through the Bihar Koyla Mazdoor Sabha. The Case of the workman concerned was that he went on annual earned leave for 15 days from 10th April 1962 on account of his son's sickness but his son died and in spite of it he went in time and presented for resuming his duties on the expiry of his leave on 27th April 1962, but the management refused to give him the permission and kept him idle without any reason or justification, that having failed to get permission of the management to join the work, he applied to the R.L.C. on 26th July 1962 Ext. W.7, who referred the matter for enquiry on 16th August 1962 Ext.W.6 to the Labour Inspector whereupon he (the workman concerned) received a letter on 3rd September 1962 Ext.W.5 from the Labour Inspector saying that the Labour Inspector is unable to intervene in his case and therefore, he should report his case to the Conciliation Officer; that on 26th September 1962 the Conciliation Officer sent a letter Ext. W.1 in reply to his letter dated 12th September 1962 Ext. W. 4; asking him to send his representation in accordance with Sections 36(1) Exhibit W.2; that thereafter his case was taken up by the Bihar Koyla Mazdoor Sabha before the Conciliation Officer; that before the Conciliation Officer on several days management did not appear but on 3rd November 1962 Sri Brahma Dev Jha, a clerk of the Colliery, appeared but as there was no settlement the Conciliation Officer submitted his Failure report of Conciliation Ext.W.1. on 15th November 1962.

3. Although this reference was received by this Tribunal on 21st February 1963 and the workman concerned filed his written statement on 4th February 1963, the management did not file any written statement till 17th February 1964.

4. On 17th February 1964 Sri Keshav Dev Agarwala, representing the owner of the Colliery, along with Sri Brahma Dev Jha, Clerk of the office of the management, M.W.3, appeared and filed a petition for adjournment of the case to enable the management to file its written statement. The petition of time was rejected as the case was more than a year old and the case was taken up for hearing on 17th February 1964 when the workman concerned Sri Harkhu Rewani was examined as WW 1 by the Union. He was cross examined by Sri B. D. Jha M.W.3 on behalf of the management. Sri Agarwala was handed over a copy of the written statement of the workman and then he asked for time to file documents and written statements and to produce witnesses. The workman closed his evidence and filed documents which were marked Exhibits W to W 14 and later the case was adjourned to 24th February 1964 for further hearing by which time the management was asked to file its written statement.

5. On 21st February, 1964 the management filed its written statement and along with it filed a copy of the alleged chargesheet which was said to have been sent to the workman concerned on 11th April, 1962. In the written statement the defence of the management was that the workman concerned was re-appointed as Mechanical Fitter with effect from 20th February, 1957 as he was very irregular in attendance and was in the habit of remaining absent without any authorised leave from time to time and as he remained absent without any leave from 2nd October, 1960 to 8th October, 1960, (Ext. M. 5), 11th October, 1960 to 5th November, 1960 Ext. M. 6 and M. 7, and again from 12th February, 1962 to 24th February, 1962 Ext. M. 8, and from 12th March, 1962 to 17th March, 1962, and as usual again remained absent without any authorised leave from 1st April, 1962, the management after waiting for more than 10 days sent a chargesheet dated 11th April, 1962 Ext. M. 1 under Peon Book Ext. M. 4 through Sri Bhola Jha M.W. 1 but the workman refused to accept it, and, a copy of the said charge sheet was also sent to the Secretary, Colliery Mazdoor Sangh, the recognised Union of the Colliery, Shri K. N. Sinha M.W. 4; that the allegation of Sri Harkhu Rewani that he went on annual leave for 15 days on 10th April, 1962 is baseless and is denied, and that, therefore the workman concerned was not entitled to any relief.

6 Both parties filed documents which were marked, as stated earlier, as Exhibits W to W. 23 on behalf of the workman and Exhibits M. to M. 25 on behalf of the management. The management also examined on 24th February, 1964 and 25th February, 1964 four witnesses, namely, M.W. 1, Sri Bhola Jha; M.W. 2, Sri M. Mukherjee, Manager; M.W. 3, Sri Brahma Dev Jha, who appeared before the Conciliation Officer and conducted the case also before this

Tribunal, and, M.W. 2, Sri K. N. Sinha, Secretary of the Colliery Mazdoor Sangh, the recognised Union of the colliery.

7. On the case of the parties, the first question to be decided is whether the defence that the workman concerned took earned leave for 15 days from 10th April, 1962 and whether he presented after the expiry of the leave of 27th April, 1962 is correct. The case of the workman W.W. 1 is that he took leave orally from Sri Shiva Pujan Pandey, Attendance Clerk, who was in charge of his Shift, but he has not been examined by the management on the ground that he is on leave. The management has filed documents, such as, Attendance Registers Ext. M. 5 to M. 10. Applications for leave, which are filed when an employee goes on leave Ext. M. 15 to Ext. 23 and also Leave Register in which leave granted is mentioned Ext. M. 24 and M. 25, in order to show that whenever an employee wants leave he has to make an application and then it is granted and then that fact is entered in the register. It is true that, Sri S. P. Pandey, Attendance Clerk, from whom the workman concerned is said to have taken leave has not been examined by the management but on taking into consideration all the facts and documents mentioned above, it appears to me that the defence that he took earned leave for 15 days from 10th April, 1962 does not appear to be correct and, therefore, I reject this defence, and, accept the case of the management that the workman concerned did not go on leave from 10th April, 1962.

The case of the management that the workman absented himself from 1st April, 1962 for more than 10 days without any leave or permission amply supported by documents, seems to be correct.

8. But the question is in such a situation even assuming that the workman does not turn up at all, can the management terminate his services automatically or has the management to take some step? On this question on behalf of the management Standing Order Ext. W. 23 has been filed. This standing order is not of the Colliery but these are model Standing Orders for Coal Mining Industry, which admittedly applied to this Colliery also. From para 18 (1)(n) of these Standing Orders it appears from that continuous absence without permission and without satisfactory cause for more than ten days denotes misconduct and if a workman is found to be guilty of misconduct he is liable to be dismissed without notice. Para 18(2), however, provides that no order of punishment under standing orders 18(1) shall be made unless the workman concerned is informed in writing of the alleged misconduct and is given an opportunity to explain the allegation made against him and, thereafter, a departmental enquiry will be instituted before dealing with the parties. The crux of the matter, therefore, is whether para 18(2) of the Standing Orders was complied with. The management says that a charge sheet Ext. M. 1 was issued on 11th April, 1962 to the workman concerned and sent under Peon Book Ext. M. 14 to the workman through Sri Bhola Jha, Tub Checker of the colliery, M.W. 1, as there was no peon in the colliery at that time to take the Peon Book to the workman Sri Harkhu Rewani's house, but Sri Rewani did not accept the charge sheet. In support of the fact that the charge sheet was issued the Peon Book Ext. M. 14 was filed and the person who took the peon book was also examined as M.W. 1. M.W. 4 the Secretary of the Colliery Mazdoor Sangh, to whom a copy of the charge sheet was forwarded, was also examined who said that he received a copy of the charge sheet under a receipt which of course he did not file in court. But he granted a receipt Ext. M., in token of the fact that he received charge sheet Ext. M. 1 dated 12th April, 1962. The crucial question, therefore, is, was this charge sheet Ext. M. 1 alleged to have been issued to the workman concerned sent to him and did he refuse to accept it? On the evidence before me I am unable to accept this part of the case of the management that a charge sheet was sent to the workman as it has been not proved by any reliable evidence. I will deal with it in detail below.

9. The workman was examined as W.W. 1 on 17th February, 1964 and it is only after his examination that the written statement of the management was filed on 21st February, 1964 and along with it a copy of the charge sheet Ext. M. 1 was filed. If it was a fact that the charge sheet Ext. M. 1 had been issued on 11th April 1962, what prevented Sri B. Jha, M.W. 3 who conducted the case on behalf of the management, and who cross-examined the workman concerned W.W. 1 from putting questions to the concerned workman and asking him on 17th February, 1964 if he had been served with a charge-sheet and the charge-sheet was sent to him through Sri B. Jha, M.W. 1 under Peon Book M. 14 but he refused Cross-examination on behalf of the management of W.W. 1 is conspicuous by the absence of any question on the Question of issue of a charge-sheet, or its attempted service on W.W. 1. This makes the story of serving a charge sheet very suspicious. Then again, in the letter of 22nd October, 1962 sent by the management

to the Conciliation Officer, Ext. M. 13, in reply to his letter Ext. 14, there is no mention of the issuing of the charge-sheet, Ext. M. to the workman concerned and the refusal of the charge-sheet by the workman concerned. The case made out in the letter Ext. M. 13 which is the earliest letter disclosing the case of the management, is that Sri Harkhu Rewani, the workman concerned, worked upto 31st March, 1962 as Mechanical Fitter and after that he left his job of his own accord and never turned up to the colliery and as he did not turn up for three weeks after 31st March 1962 the management was compelled to appoint another person on 18th Feb 1962. Then again, it will appear from the failure report of the conciliation officer Ext. W, as will appear from para 5, that the Conciliation Officer personally visited the colliery on 14th Nov, 1962 after prior intimation to the management. At the time of his visit neither the Manager nor any other responsible officer of the colliery was present. The only clerk present in office was Sri Shiv Pujan Pandey, Attendance Clerk, who regretted his inability to produce the records called for since according to him they were dealt with by others. He could produce only the Muster Roll of the period in question, and Wage Register and other records were not produced. It is significant to note that even there before the Conciliation Officer when he visited there was no whisper of the issuing of charge sheet Ext. M. 1 nor the Peon Book M. 14 was produced before him. From these facts, therefore, it appears that after examination of the workman Ext. W.W. 1 the management got some advise and then it concocted the case of issue of the charge sheet and its attempted service on the workman concerned to show that Order 18(2) was complied with. Realising then that the non compliance of S.O. 19(2) would be fatal to the case of the management this charge sheet Ext. M. 1 saw the light of the day for the first time on 21st February, 1964.

There is another circumstance to support my conclusion that this charge sheet Ext. M.1 is a fabricated document. It will appear from the Peon Book that the material entry regarding this matter is dated 11th April 1962 and it was admitted by M.W.2, Smt. M. Mukherjee, Permit Manager that the writing of the ink of the disputed entry in the Peon Book dated 11th April 1962 is different from the ink of the other entries above it. In this Peon Book Ext. M.14 it is mentioned by Sri B. Jha M.W.1 that Sri Harkhu Rewani, the concerned workman, refused to accept it but it is not attested by any witness at all. What, however, is more surprising is that if it was a fact that the workman refused to accept the charge sheet, why did not the management send this charge sheet by registered post with acknowledgment due to him. This simple fact which could have placed the case of the management beyond suspicion, was not done.

For these reasons, I am definitely of the opinion that no charge sheet was issued or sent to the workman concerned and that his services were terminated without complying with the mandatory provisions of standing orders No. 18(2) and, therefore, it is manifest that the termination of his services is illegal and it cannot be sustained, and, it must be set aside.

10. The case of the management before me was that the Colliery was not working and that no raising of coal is done but quarry work was being done and, therefore, there was no necessity of a Mechanical Fitter, to which post this workman concerned could be appointed. If it is true what then is the explanation for appointing Haradhan Mistry in place of Harkhu Rewani of 18th April 1964 as mentioned by the management in its letter Ext. M. 13 to the Conciliation Officer? It is, therefore, manifest that the intention of the management was any how to get rid of this man and to appoint another person in his place and, as such, the story of the management that there is now no electrical fitter's post in the colliery is absolutely false.

11. For the reasons given above, I would therefore, answer the reference in favour of the workman concerned by holding that the termination of service of Sri Harkhu Rewani, Mechanical Fitter, by the management of Khas Kodhar Colliery was illegal and improper and, accordingly, it is set aside.

12. On the above finding, obviously the workman concerned is entitled to be reinstated with full back wages. I would, therefore, direct Sri Harkhu Rewani, Mechanical Fitter, to be reinstated by the management in his job with full back wages from 1st April 1962.

13. If, however, the management thinks that the workman Sri Harkhu Rewani, is surplus to service and not required because the Colliery is not at present raising coal, as alleged, it will be open then to the management to retrench him in accordance with the procedure laid down in Section 25F of the Industrial disputes Act and, in that case, the workman concerned would be entitled to retrenchment compensation.

14. It was contended that as in the colliery at present quarry work is in progress the management was prepared to give him the work of stone cutter or earth cutter, but, in my opinion, neither of these two jobs can be said to be suitable alternative jobs in view of the age of the workman concerned and also in view of the skill of the workman concerned and in view of his previous work as mechanical fitter. The management, therefore, can only retrench him after paying the retrenchment compensation in accordance with Section 25F, otherwise he must be reinstated in his previous job and in such a case the new man, who was appointed in his place, must go, if necessary.

15. This award must be implemented within one month from the date this award becomes enforceable under Section 17A after its publication under Section 17 of the Act.

16. This is the award which I make and submit to the Government of India, under Section 15 of the Act.

Sd/- RAJ KISHORE PRASAD,  
Presiding Officer,  
Central Government Industrial Tribunal,  
Dhanbad.

Dhanbad,

Dated the 26th February, 1964.

[No. 2/117/62-LR.II]

*New Delhi, the 7th May 1964*

**S.O. 1643**—In exercise of the powers conferred by clause (a) of section 2 of the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946) and in pursuance of the notification of the Government of India in the late Ministry of Labour No. S.R.O. 1685, dated the 2nd September, 1953, the Central Government being the appropriate Government, hereby appoints the Chief Labour Commissioner (Central) to exercise the functions of an appellate authority under the said Act in all the territories to which the said Act extends in respect of industrial establishments under the control of the Central Government or a Railway administration or in a major port, mine or oilfield.

[No. F. 23/3/64-LR-I.]

*New Delhi, the 8th May 1964*

**S.O. 1644**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Bright's Rana Colliery and their workmen, which was received by the Central Government on the 2nd May 1964.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD.**

In the matter of a Reference under Section 10(1)(d) of the Industrial Disputes Act, 1947 (XIV of 47).

**REFERENCE No. 44 of 1963**

**PARTIES:**

Employers in relation to the Bright's Rana Colliery, Post Office Charanpur,  
Dist. Burdwan.

**AND**

Their workmen.

**PRESENT:**

Sri Raj Kishore Prasad, M.A., B.L.,  
Presiding Officer.

**APPEARANCES:**

*For the Employers:*

Sri S. S. Mukherjee, Advocate, and Sri N. Das Advocate.

*For the Workmen:*

Sri D. Narsingh, Advocate, with Shri Keshab Banerjee.

STATE: West Bengal.

INDUSTRY: Coal.

*Dhanbad, dated the 28th April, 1964*

### AWARD

Ministry of Labour & Employment, Government of India, by its Order No. 6/10/63-LR.II dated the 5th June, 1963 referred, under Section 10(1)(d) of the Industrial Disputes Act, 1947, to this Tribunal for adjudication, an industrial dispute existing between the employers in relation to Bright's Rana Colliery and their workmen in respect of the matter specified below:—

“Whether the dismissal of the following workmen of the Bright's Rana Colliery, Post Office Charanpur, was justified. If not, to what relief are they entitled.

S. No.	Name of the workman	Designation
1.	Shri Sochin Ahir	Minor
2.	Shri Patiraj Ahir	Minor
3.	Shri Rajdeo Ahir	Minor
4.	Shri Harkhu Kurmi	Minor
5.	Shri Awtar Kurmi	Minor
6.	Shri Ramsaran Harijan	Minor
7.	Shri Subhag Chamar	Minor
8.	Shri Bhlm Turi	Underground Trammer.”

2. Today on 28th April 1964, when the case was taken up the management was represented by Sarvashree S. S. Mukherjee, Advocate, and N. Das, Advocate, and the workmen were represented by Sarvashree D. Narsingh, Advocate, and Keshav Banerjee representing the Colliery Mazdoor Union. Both the parties later filed a joint petition of compromise incorporating their agreed minutes therein in respect of all the eight workmen concerned in this dispute and prayed that an award in terms thereof be passed.

3. I have read the terms of compromise and am satisfied that they are quite fair and reasonable and in the interest of both parties and, therefore, I accept the same.

4. I accordingly dispose of the reference by passing an award in terms of the petition of compromise dated 28th April 1964, which is marked Annexure 'A' and made a part of the award.

5. This is the award which I make and submit to the Central Government under Section 15 of the Act.

Sd./- RAJ KISHORE PRASAD,

Presiding Officer,  
Central Government Industrial Tribunal,  
Dhanbad.

Dhanbad,

Dated the 28th April, 1964.

ANNEXURE 'A'

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, AT  
DHANBAD

REFERENCE No. 44 OF 1963

PARTIES:

Employers in relation to Bright Rana Colliery

AND

Their workmen.

MEMORANDUM OF COMPROMISE

The parties aforesaid most respectfully beg to jointly submit as under:—

1. that without prejudice to their respective contentions, the above dispute has been amicably settled on the terms hereinafter stated.
- (a) that the management shall treat the eight workmen herein concerned as if they have been discharged with effect from the date of this settlement i.e. 28th April, 1964.
- (b) the management shall pay to the said eight workmen a sum of money equivalent to what they would have been entitled under Section 25F(b) of the Industrial Disputes Act, 1947 on the basis of their service up-to-date i.e. till 28th April, 1964.
- (c) the management will also pay to the said eight workmen one month's wages in lieu of notice.
- (d) the said workmen will not be entitled to any wages for the period following the date of their termination of service with effect from 9th February 1963.
- (e) the payment aforesaid will be made within a week from this date.
- (f) besides the above payment, the management will also pay to the said workmen within a week from this date all their other legal dues if any like leave wages, earned wages and bonus upto 9th February 1963 and trainfare.
- (g) the management will give to the said workmen, a discharge certificate showing the date of their appointment and date of the termination of their services.
- (h) the management will permit the eight workmen concerned to occupy the colliery quarters till 30th June 1964. Thereafter they will vacate the quarters and Shri Keshab Banerjee will co-operate in this matter.
- (i) the management assure Shri Keshab Banerjee that the management has or had no intention to victimise any workman employed in the Colliery.
- (j) the workmen concerned will not have any other claim against the management as arising out of the present proceeding.
- (k) that the parties will bear their respective costs of the proceeding.

The parties pray that the honourable Tribunal may be graciously please to give his Award in terms aforesaid.

For Workmen:

(D. NARSINGH)

Advocate.

(KESHAB BANERJEE)

General Secretary, Colliery Mazdoor Union.

Dated 28th April, 1964.

For Employers:

(S. S. MUKHERJEE)

Advocate.

(N. DAS)

Advocate.

B. C. Roy,

Director.



## ORDERS

*New Delhi, the 5th May 1964*

**S.O. 1645.**—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Kustore Colliery (Raneegunge Coal Association Limited), Post Office Kusunda, Dhanbad and the Contractors Messrs D. M. Shukla and Company of the one part and their workmen of the other part in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication,

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

### SCHEDULE

Whether the action of the management of Kustore Colliery of Raneegunge Coal Association Limited and their contractors Messrs D. M. Shukla and Company, in not giving employment to Shri Dhaneswar Dusad, Trammer Sardar from the 1st September 1963, is justified? If not, to what relief is the workman entitled?

[No. 2/90/63-LRII.]

**S.O. 1646.**—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Rayatwari Colliery District Chanda (Maharashtra State) and their workmen in respect of the matters specified in the schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under Section 7A of the said Act.

### SCHEDULE

Whether the dismissal of Shri Yenkatsami Pocha, Shot-carrier of Rayatwari Colliery with effect from the 5th February, 1964 was justified? If not, to what relief is he entitled?

[No. 3/1/64-LRII.]

**S.O. 1647.**—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Kenduadih Colliery of Messrs East Indian Coal Company Limited and Messrs G. S. Atwal and Company (Asansol), their Raising and Selling Agents, on the one part and their workmen on the other part in respect of the matters specified in the schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

### SCHEDULE

Whether the action of the management of Kenduadih Colliery of Messrs East Indian Coal Company Limited and Messrs G. S. Atwal and Company (Asansol), their Raising and Selling Agents in refusing employment to Shri K. K. Gon, Electric Helper/Haulage Khalasi of Kenduadih Colliery with effect from the 5th February, 1964 was justified? If not, to what relief is the workman entitled?

[No. 2/36/64-LRII.]

**S.O. 1648.**—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Gondudih Colliery of Messrs. Central Alkusa Colliery Company, Post Office Kusunda, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

#### SCHEDULE

Whether the management of the Gondudih Colliery of Messrs. Central Alkusa Colliery Company was justified in suspending Shri R. B. Singh, Time-Keeper, without wages, for a period of ten days with effect from the 3rd February, 1964; if not, to what relief is the workman entitled?

[No. 2/42/64-LRII.]

**S.O. 1649.**—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Pur Kajora Colliery, P.O. Kajoragram and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

#### SCHEDULE

Whether the action of the management of Pur Kajora Colliery in dismissing Shri Baiju Bhuiya from service of the Colliery was justified? If not, to what relief is the workman entitled?

[No. 6/16/64-LRII.]

**S.O. 1650.**—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Tata Iron and Steel Company Limited, Jamadoba, Post Office Jealgora, District Dhanbad and their workmen employed in 6 and 7 Pits Jamadoba Colliery and Jamadoba Power House in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

#### SCHEDULE

- (i) Whether the dismissal of Sarvashri Rameswar Ram, H. E. Khalasi, Ramdhani Rajaor, Light Tyndal, Kali Rajwar, Fitter helper of Jamadoba Power House of Messrs. Tata Iron and Steel Company Limited, P.O. Jealgora, District Dhanbad, with effect from 27th November, 1963 was justified? If not, to what relief are the workmen entitled?
- (ii) Whether the suspension of Shri Ramdas Rajoar, Hookman of Jamadoba Power House of Messrs. Tata Iron and Steel Company Limited, with effect from the 23rd November, 1963 was justified? If not, to what relief is the workman entitled?
- (iii) Whether the suspension of Sarvashri Sumjantar Singh, underground trammer and Kaliu Turi, miner of 6 and 7 pits Jamadoba Colliery of Messrs. Tata Iron and Steel Company Limited, P.O. Jealgora, with effect from the 16th August, 1963 was justified? If not, to what relief are the workmen entitled?

[No. 2/10/64-LRII.]

**S.O. 1651.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Kotma Colliery of Messrs Associated Cement Companies Limited, Kotma and their workmen in respect of the matters specified in the Schedule hereto annexed,

And whereas, the Central Government considers it desirable to refer the said dispute for adjudication,

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act

#### SCHEDULE

- 1 Whether the management of the Kotma Colliery is justified in retrenching the following workmen with effect from the 25th January 1964 —
  - 1 Shri Samarjeet Singh, Coal Cutting Machine Driver.
  - 2 Shri Dhandoo, Coal Cutting Machine Driver
  - 3 Shri Lalbahadur, Coal Cutting Machine Mazdoor
  - 4 Shri Puranmashi, Coal Cutting Machine Mazdoor
  - 5 Shri Patil Pal, Coal Cutting Machine Mazdoor.
- 2 If not, to what relief are the workmen entitled?

[No 5/3/64-LR II]

**S.O. 1652.**—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Kustore Colliery (Raneegunge Coal Association Limited), Post Office Kusunda, Dhanbad and their contractors Messrs D M Shukla and Company of the one part and their workmen of the other part in respect of the matters specified in the Schedule hereto annexed,

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication,

Now, therefore in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act

#### SCHEDULE

Whether the action of the management of Kustore Colliery (Raneegunge Coal Association Limited) and their contractors Messrs D M Shukla and Company in refusing employment to the following 12 Hard Coke workers was justified? If not, to what relief are the workmen entitled?

#### *Names*

- 1 Balgobind Kumhar
- 2 Dhaneswar Singh
- 3 Ainu Mia
- 4 Paban Rajwar
- 5 Jhupni Kamin
- 6 Fulmani Rajwarin
- 7, Makhni Rajwarin
- 8 Janki Rajwarin
- 9 Rabni Rajwarin
- 10 Kusumi Rajwarin
- 11 Bhimla Rajwarin
- 12 Bell Rajwarin

[No 2/1/64-LR II]

**S.O. 1653.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the West Bokaro Colliery of Messrs West Bokaro Limited Post Office Ghatotand, District Hazaribagh and their workmen in respect of the matters specified in the Schedule hereto annexed,

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

#### SCHEDULE

Whether the management of the West Bokaro Colliery is justified in reverting S. K. Sarkar, Sohan Singh and Kishun Singh, from the posts of Senior Shift Supervisors to those of Washery Mechanics? If not, to what relief are the workmen entitled?

[No. 2/37/64-LR.II.]

*New Delhi, the 8th May 1964*

**S.O. 1654.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Singareni Collieries Company Limited, Kothagudlum, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Dr. Mir Siadat Ali Khan as the Presiding Officer with headquarters at Somajiguda, Hyderabad, and refers the said dispute for adjudication to the said Industrial Tribunal.

#### SCHEDULE

Whether the action of the management in not placing the workman Sri Boya Ramaswami as Labour Investigator in the appropriate grade is justifiable? If not, to what relief is the workman entitled?

[No. 7/14/63-LR.II.]

**S.O. 1655.**—Whereas an industrial dispute exists between the Chirimiri Colliery, District Surguja (Madhya Pradesh) of Chirimiri Colliery Company (Private) Limited, Amrit Bhavan, Residency Road, Nagpur-1 (hereinafter referred to as the said Company) and their workmen represented by the Chirimiri Colliery Branch of the Madhya Pradesh Colliery Workers Federation, District Surguja (Madhya Pradesh) (hereinafter referred to as the Union);

And whereas the said Company and the Union have by a written agreement, in pursuance of the provisions of sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), referred the said dispute to arbitration of the person named therein, and a copy of the said arbitration agreement has been forwarded to the Central Government;

Now, therefore, in pursuance of the provisions of sub-section (3) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the said arbitration agreement, which was received by the Central Government on the 4th May, 1964.

#### FORM C

(See Rule 6)

#### AGREEMENT

(Under Section 10A of the Industrial Disputes Act, 1947)

#### BETWEEN

*Representing Employers.*—1. Shri R. K. Saran, Director, Chirimiri Colliery Company (Pvt.) Ltd., Amrit Bhavan, Residency Road, Nagpur-1.

*Representing Workmen.*—1. Shri Gulab Gupta, General Secretary, M.P. Colliery Workers' Federation, Chirimiri.

2. Shri P. Acharya, Vice President, M.P. Colliery Workers Federation and President, Chirimiri Colliery Branch of M.P.C.W. Federation.

3. Shri Shyamlal Sharma, Secretary, Chirimiri Colliery Branch of M.P.C.W. Federation.

It is hereby agreed between the parties to refer the following industrial dispute to the arbitration of Shri I. B. Sanyal, now employed as Regional Labour Commissioner (Central), Jabalpur.

(i) *Specific Matters in the Dispute:—*

Whether the workers employed in Chirimiri Colliery are entitled to any wages, bonus, etc., for the period 20th May 1959 to 12th August 1959. If so, to what relief they are entitled.

(ii) *Details of the parties to the dispute including the name and address of the establishment or undertaking involved:—*

Management in respect of Chirimiri Colliery, Distt. Surguja (M.P.), viz., Chirimiri Colliery Co. (P) Ltd., Amrit Bhavan, Residency Road, Nagpur

*Versus*

The Madhya Pradesh Colliery Workers' Federation, Chirimiri (M.P.).

(iii) *Name of the Union, if any, representing the workmen in question:—*

M.P. Colliery Workers Federation, Chirimiri.

(iv) *Total number of workmen employed in the undertaking affected:—*

1,800 approximately.

(v) *Estimated number of workmen affected or likely to be affected by the dispute:—*

1,500 approximately.

We further agree that the decision of the arbitrator shall be binding on us. We also agree that the parties may be represented by legal practitioners.

*Representing Workers:*

1. Sd/- (GULAB GUPTA)
2. Sd/- (P. ACHARYA), 30th April 1964
3. Sd/- S. L. SHARMA (Shyamlal Sharma).

*Representing Employers:*

Sd/- (R. K. SARAN).

*Witnesses:—*

1. Sd/- (T. R. MALHOTRA), Conciliation Officer (Central), Jabalpur.
2. Sd/- (GAYA PRASAD SHARMA) of South Jhagrakhand Colliery.
3. Sd/- (CHATURI SINGH) of Chirimiri Colliery.

Jabalpur,

Dated 30th April, 1964.

[No. 8/87/64-LR.II.]

New Delhi, the 11th May 1964

**S.O. 1656.**—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Banalee Colliery, Post Office J. K. Nagar, District Burdwan, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Banalee Colliery was justified in stopping Shri Rupoo Rajbhar, Loader from work with effect from the 4th February 1964; if not, to what relief is the workman entitled?

[No. 6/28/64-LR.II.]

CORRIGENDUM

New Delhi, the 5th May 1964

**S.O. 1657.**—In the Order of the Government of India in the Ministry of Labour and Employment No. S.O. 978 dated the 16th March, 1964, published on page 1209 in the Gazette of India, Part II, Section 3, sub-section (ii) dated the 21st March, 1964, in line 3, of the Schedule, for “if so”, read “if not”.

[No. 6/6/64-LR.II.]

A. L. HANDA, Under Secy.

New Delhi, the 5th May 1964

**S.O. 1658.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Madras in respect of a complaint under section 33A of the said Act filed by Shri K. N. Krishnan of the Indian Bank Limited which was received by the Central Government on the 2nd May, 1964.

BEFORE THE INDUSTRIAL TRIBUNAL MADRAS

*Saturday the twentyfifth day of April One thousand nine hundred and sixty-four,  
(5th day of Vaisaka—1886—Saka)*

PRESENT

SRI S. GANAPATIA PILLAI, B.A., B.L. INDUSTRIAL TRIBUNAL.

COMPLAINT No. 2 of 1964 in I.D. No. 18 of 1960

BETWEEN

K. N. Krishnan, A. K. Buildings, Muthupattinam, Karaikudi.—*Complainant.*

AND

The Management of the Indian Bank Ltd. (Central Office, Indian Chamber Buildings, Esplanade, Madras) by the Secretary, Indian Bank Ltd., Madras-1.—*Opposite party.*

COMPLAINT UNDER SECTION 33(A) OF THE INDUSTRIAL DISPUTES ACT 1947.

This complaint coming on this day for final hearing upon perusing the complaint and counter statement and other material papers on record and upon hearing the arguments of Mr. P. J. Seetharaman, Counsel for Complainant and Mr. K. K. Venugopal, Counsel for opposite party the Tribunal passed the following

AWARD

This is a complaint preferred under S. 33-A of the Industrial Disputes Act, 1947, by one Sri K. N. Krishnan against the management of the Indian Bank Ltd., alleging termination of his appointment as a Clerk under the management, in violation of principles of natural justice and during the pendency of I.D. No. 18 of 1960 which was a dispute between the workmen and the bank regarding the bonus claimed by the workmen for the year 1957.

Counter statement has been filed by the management disputing the allegations made in the complaint.

During the course of the hearing Mr. K. K. Venugopal appearing for the management took up the stand that there was no termination of the service of the complainant and if the complainant was ready and willing to join service now, the management had no objection to take him back, reserving their rights for proceeding against the complainant for any misconduct. Accordingly M. P. J.

Seetharaman appearing for the complainant has made the following endorsement which is countersigned by Mr. K. K. Venugopal, Advocate for the management :

"The complainant begs leave to withdraw the complaint under S. 33A of the I.D. Act in view of the averment of the management that there has been no termination of service and the contract of service subsists. In view of the above and since the *status quo ante* is restored, without prejudice to the rights and contentions of either party, the complainant craves leave to withdraw the complaint and prays that the complaint may be dismissed as withdrawn and not pressed."

The complaint is therefore dismissed as not pressed. There will be an award accordingly. There will be no order as to costs.

Witnesses examined for both parties "NIL"

Documents marked for both parties "NIL"

(Sd.) S. GANAPATIA PILLAI, Industrial Tribunal.

[No. 55(32)/64-LRIV.]

New Delhi, the 7th May 1964

**S.O. 1659.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Chandigarh in the industrial dispute between the employers in relation to the State Bank of India and their workmen which was received by the Central Government on the 4th May, 1964.

BEFORE SHRI K. L. GOSAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
CHANDIGARH

REFERENCE No. 6/C OF 1963

BETWEEN

The employers in relation to the State Bank of India

AND

Their workmen.

PRESENT:

Shri Hari Lal Bansal with Dr. Anand Parkash.

Shri Vidya Sagar for the Management.

AWARD

The Central Government having formed an opinion that an industrial dispute existed between the employers in relation to the State Bank of India and their workmen in respect of the matter specified below passed an order under Section 7-A read with clause (d) of Sub Section (1) of Section 10 of the Industrial Disputes Act and referred the dispute to this Tribunal for adjudication *vide* Orders of the Central Government, Ministry of Labour and Employment No. 51 (36)/63-LRIV dated the 30th August, 1963:—

Whether the discharge of Shri Hari Lal Bansal, Money Tester, Ambala Cantonment Branch of the State Bank of India was justified? If not, to what relief is the employee entitled?

On receipt of the reference usual notices were issued to the parties, and in response to the same the workmen filed their detailed statement of claim, and the employers filed a written statement to the same. The facts giving rise to this reference are briefly as under:—

Shri Hari Lal Bansal joined the service of the Bank in April 1955 as a Money Tester. After a probationary period of six months he was confirmed in October, 1955. On 11th November 1960 Shri Hans Raj Sharma head cashier of the Bank made a complaint in writing to the Agent State Bank of India Ambala Cantonment Branch reading as under:

"Today, the 11th November 1960, I observed that Shri Hari Lal Bansal, money tester did not avail of the recess period and kept sitting in the cash department enclosure. I was also sitting there. I noticed that he, thinking that I was not watching him, searched into one of the bags containing small coins. I kept on watching him. I observed that he took out some coins. Immediately after he had closed the bag I went to him and asked him what he was doing. He told me that

he was looking into that bag to see if any chit was lying there. I suspected this motion of his and kept the bag in my possession. When the other members of the cash department staff returned from lunch I got that bag counted and found that there was a shortage of Rs. 24.50 N.P. I brought this into the notice of the Agent and presented Shri Bansal before him. Shri Bansal confessed that he had taken out coins worth Rs. 24.50 and refunded that amount in currency notes to me in the presence of the Agent."

On this complaint Shri J. P. Kundra Agent of the Bank made a note reading as:—

"Confessed the guilt in my presence and refunded the amount of Rs. 24.50 N.P. in my presence.

J. P. KUNDRA,

11-11-60."

On the back of the report Shri Hari Lal Bansal wrote:—

"Sir I hereby make up the shortage of Rs. 24 by depositing two ten rupee notes Nos. 933148 and No. 656798 and four one rupee notes Nos. 750050, 750031, 750032, 750033 in token of the nickle two anna pieces."

The words written by Shri Hari Lal Bansal were later scratched by him. The reason for the above given by Shri Bansal is that he was asked by the Agent to write the words:

"withdrawn from the bag."

After the words he had already written and since this incriminated him he scratched the portion already written by him.

On 28th November 1960 Shri Hari Lal Bansal was charge sheeted by the Bank as per Ext. R. 10. The precise charge levelled against him was as under:—

"While working at the Exchange Counter of the Cash Department at this Branch on the 11th November, 1960 you surreptitiously removed 196 two anna nickel coins (equivalent to Rs. 24.50) from the bag counted by Shri Balmukand Rastogi, teller, with a view to misappropriating the amount. On being caught red-handed by the branch Head Cashier, you confessed your guilt in the presence of some of the Branch employees and officials. Your action is tantamount to gross misconduct in terms of paragraph 521(1) of the Sastry Award."

Shri Bansal wrote a letter to the Bank asking for the supply of some documents with a view to finalise his reply. The said documents were presumably not supplied to him but all the same he filed his detailed reply to the charge sheet on 6th December 1960, which is Ext. R. 11 on the present record. Shri J. P. Kundra Agent of the concerned Branch was appointed as an Enquiry Officer. The head office of the Bank later felt that Shri J. P. Kundra was perhaps an essential witness and therefore appointed Shri K. C. Mehra to act as an Enquiry Officer. Mr. Mehra sent a notice to Shri Bansal and on 6th June 1961 he read out the charge sheet to Shri Bansal and asked him if he confessed the guilt. Shri Bansal pleaded not guilty and the evidence against him then started to be recorded. The delay of 4 or 5 months between the date of the charge sheet and the date of the enquiry was probably due to the fact that Shri Bansal at one stage did not wish to have Shri J. P. Kundra as an enquiry officer and at another stage he wrote to the head office that Shri K. C. Mehra may also be not appointed. On the 6th June the statement of Shri H. P. Sharma head cashier of the Bank was recorded. From the proceedings of the enquiry Ext. R-1 it is clear that about 60 questions were put to him in cross examination on behalf of Shri Bansal who also required him to produce as many as 14 documents. The cross examination, however, did not finish that day and was postponed to 2-30 P.M. next day. When the proceedings started on the 7th June at 2-30 P.M. there were some exchange of hot words between Mr. Kundra on the one hand and Mr. Bansal on the other, and as a result of this probably Shri Bansal did not wish to participate further in the enquiry. The enquiry officer recorded a note in the proceedings which reads as under:—

"Despite my asking the accused's counsel to start the proceedings at 2-40 he did not do so till inspite of repeated verbal reminders. In reply to a question put by the Enquiry Officer, Shri Bansal stated as under:

"The position of my mind was not balanced at this stage and I request you again very humbly to arrange our safe departure to our residence."



The Enquiry Officer then told him that he could allow him half an hours time for rest. The note of the enquiry officer on this point is as follows:—

"After considering, however, every point I allow you as a special case half an hour's time for rest. If you don't come in and resume your cross examination at 5 P.M. today, I shall be constrained to proceed with the enquiry *ex parte* on the facts of the case available."

Shri Bansal stated in reply to this as under:—

"I have already requested in letters of date and again I request that neither I nor my representative is in a position to cross examine any witness today and till some urgent instructions are sought by me on my complaints of yesterday and today's I request that our safe departure should be arranged forthwith."

The Enquiry Officer then made a note below this reading as:—

"The accused and his representative refused to sign these proceedings."

The enquiry proceedings were started again at 5-0 P.M. on the same day. Shri Hari Lal Bansal was not then presumably present and the enquiry officer made a note as below:—

"NOTE.—As the accused and his representative did not come in at 5 P.M. the enquiry proceeded *ex parte* on the facts of the case and the witness of Shri C. L. Khurana Sub-Accountant was recorded at 5-15 P.M."

The evidence of Shri Khurana ended at about 6 P.M. and the case was then taken up at 3 P.M. on the 8th June 1961 and on this date, the statements of as many as 11 more witnesses were recorded, and at the close of that a supplementary statement of Shri Hans Raj Sharma P.W. 1 was also recorded. The enquiry Officer then made his report Ext. R-2 in which he recorded his findings. This report does not bear any date and the parties are not agreed as to when it was actually made. Shri Mehra found the charges against Shri Hari Lal Bansal as established beyond any reasonable doubt. The report presumably went to the head office. The Superintendent Staff Section, who under the bye-laws of the Bank is authorised to award punishments wrote Ext. R-12 to Shri Bansal on December 28th, 1961. Para 2 of this letter reads as under:—

"Upon consideration of the matter I have tentatively come to the decision that you should be discharged without notice in terms of paragraph 521(1)(c) of the Award of the All India Industrial Tribunal (Bank Disputes)—Shastry Award as amended. Before, however, I take a final decision in the matter I should like to give you a hearing why the proposed punishment should not be imposed upon you. To enable you to do so I send herewith copy of the report of the enquiry along with the findings of the enquiry officer."

In para 3 of the letter it was said:

"You may ask for a hearing or show cause in writing within 7 days of receipt by you thereof. If you fail therein I will conclude that you have no cause to show in this behalf."

Shri Bansal then wrote a letter to the Superintendent Staff Section covering as many as 18 pages and with this letter he enclosed some documents also. The main theme of this letter was that the enquiry against him was held *ex parte* without affording him any opportunity for participating in the same. The Superintendent went into the matter and then wrote Ext. R-14 to Shri Bansal informing him that the enquiry officer was justified in taking the *ex parte* proceedings. He, however, called upon Shri Bansal to attend before him on the 9th April 1962 at 11-0 A.M. with a view to have a personal hearing before the matter of punishment was finally decided upon. Shri Bansal then wrote Ext. R. 15 to the Superintendent and also had a personal hearing. On 5th June 1962 the Superintendent wrote a letter to Shri Bansal Ext. R. 16 informing him that he saw no reason to alter his decision that Shri Bansal should be discharged without notice in terms of paragraph 521(10)(c) of the Shastry Award, which decision he (the Superintendent) confirmed. At one stage it was thought necessary by the Bank to make an application under Section 33(2) to the National Tribunal but before they could take that action the National Tribunal became *functus officio*. The order of discharge passed against Shri Bansal is now impugned by him in the present reference.

After getting the detailed statement of claim of the workmen and a written statement to the same by the Bank I framed two issues on 21st October 1963 which are as under:—

1. Is the dispute in question not an industrial dispute because of the reason given in the preliminary objection in the written statement?
2. Whether the discharge of Shri Hari Lal Bansal, Money-Tester, Ambala Cantonment Branch of the State Bank of India was justified? If not, to what relief is the employee entitled?

The parties were then given an opportunity to lead their evidence. The Bank concluded their evidence on 19th November 1963 and the workmen on 31st January 1964. The arguments of the parties then started. During the course of arguments a point arose whether Shri Mehra had been appointed to act as an enquiry Officer by the head office of the Bank or by Shri J. P. Kundra. Although there was enough material to prove that the appointment had been made by the head office, I wanted to have a little more clarification of it. I permitted the Superintendent of the Staff to file his affidavit on this point and with a view to allow the other party an opportunity to cross examine him I recorded the statement of Shri Ahluwalia, Superintendent Staff Section on 20th February 1964 and on that day he was cross examined by the workmen. His statement was supported by documents with regard to which the workmen cross examined him also. The only ground on which the Bank have based their plea that the dispute is not an industrial dispute is that the action of the Bank was *bona fide* and was taken in due course. In the circumstances I feel that the two issues are inter-connected and I record my findings on the same as under:—

#### Issues Nos. 1 and 2

From the facts as given above it is clear that the incident in question took place on 11th November 1960. A regular charge sheet was handed over to Mr. Bansal which is Ext. R. 10 on the present record. Shri Bansal had an opportunity of submitting his detailed reply to the same which is Ext. R. 11. The enquiry proceedings Ext. R. 1 have been placed on record and have been proved in evidence by the statement of Shri K. C. Mehra Enquiry Officer who has appeared as R.W. 1. The report of the Enquiry Officer Ext. R. 12 has also been duly proved and it is not denied that according to his findings the charge levelled against Shri Bansal was established beyond any reasonable doubt. Now it is well established that if a proper domestic enquiry has been held and the charges have been established in the opinion of the Enquiry Officer there is no scope for my interference in the matter. In order to enable me to interfere I must be satisfied that the domestic enquiry was not properly held, that the rules of natural justice were not complied with or that the delinquent was in any way victimised. The only contentions raised in this respect before me are:—

1. That Shri Bansal was not supplied with a copy of the complaint made against him by the head cashier on 11th November 1960.
2. That he was not supplied a list of the witnesses who will give evidence against him.
3. That Shri J. P. Kundra was allowed to remain present at the enquiry although he was to appear as a witness at the same.
4. That *ex parte* proceedings were improperly taken against him by the enquiry officer on 7th June 1961 and 8th June 1961.
5. That the Superintendent Staff did not permit the production of some documents before him.
6. That Shri K. C. Mehra was interested against Shri Bansal and should not have been appointed as an Enquiry Officer.

After giving my careful consideration to these contentions and after going through the evidence on each of them I do not find any substance in any of them.

#### Re. Contentions No. 1

It is true that a copy of the complaint was not supplied to Shri Bansal. I am, however, not satisfied that Shri Bansal was in any way prejudiced by this. He knew the complaint which had been made in his presence on 11th November 1960. He knew the exact charge laid in that complaint. That complaint had been read by him on 11th November 1960 and it is on the back of this complaint that he wrote certain words which he later scratched. The complaint was precisely the same as the charge sheet itself and it did not say a word more than what was said in the said charge sheet. Shri Bansal knew that the charge against him was

that he had removed from a bag some two anna nickel pieces amounting Rs. 24.50 N.P. On 11th November, 1960 he actually offered to pay this amount to the Agent, and wrote the fact of the payment on the back of the complaint itself.

*Re. Contention No. 2*

The case of the Bank is that Shri Bansal was actually supplied with a list of two witnesses who had to be examined at the enquiry on 6th June 1961. It is true that later some more witnesses were also produced by the Bank.

The case of the Bank, however, was that he (Mr. Bansal) had admitted the guilt in presence of the staff of the Bank and that the coins in the bag had been counted by the head cashier in presence of all the employees of the Cash department. These were the only persons who were produced as witnesses against him and presumably Shri Bansal knew that they would be produced against him. No outsider could have been a witness to the charge levelled against Shri Bansal and he should have known this ordinary fact. I am definitely of the opinion that the non-supply of the list of witnesses did not in any way prejudice Shri Bansal in his defence.

*Re. Contention No. 3.*

The enquiry was held in the room of Shri J. P. Kundra and his presence at the enquiry could not possibly prejudice the case of Shri Bansal in any way. His statement as a witness could only be with regard to the factum of admission of the guilt to him by Shri Bansal. This fact had already been recorded by him on the complaint itself and this is all that he could possibly depose to. He was entitled to attend the enquiry even as Agent of the branch of the Bank to which the case related because he was more or less in the position of a complainant.

*Re. Contention No. 4.*

The facts narrated by me above show that the enquiry officer took all precautions to see that Shri Bansal participated in the enquiry. The various notes that he recorded in the enquiry proceedings on the 7th June and the various answers given by Shri Bansal to his questions which I have been reproduced verbatim by me while giving the array of facts show that Shri Bansal deliberately non-co-operated at the time of the enquiry and refused to take part in the same, on grounds which to my mind were wholly insufficient. The situation in which he has placed himself was created by his own fault and he alone is to blame for this. I am satisfied that the enquiry officer was justified in taking *ex-parte* proceedings against him.

*Re. Contention No. 5.*

There is no doubt that he requested the Superintendent Staff to summon some documents. Shri R. K. Ahluwalia Superintendent of the Staff has appeared before me as a witness as R.W. 2 and with regard to this fact he has stated as under:

"The documents asked for by him could not be produced at the time of hearing. The letter was received by us on 7th June. 8th was a Sunday and 9th was the date of hearing. As these documents could be available only at the Ambala Cantt. office they could not be produced on the 9th. At the personal hearing on the 9th Mr. Bansal asked for these documents and I told him that they could not be produced on that date and that if he wanted he could have another date. He, however, chose to proceed with the hearing and did not insist on the production of these documents. Then I heard him ....."

I have no reason to disbelieve Mr. Ahluwalia, who is a highly placed officer in the Bank and whose credit has not been shaken in any way during the cross examination. I do not find any justification in the contention now raised that the non-production of these documents has in any way prejudiced the case of Shri Bansal. Shri Bansal did not himself insist on their production and cannot now be heard to say that their non-production has in any way prejudiced him.

*Re. Contention No. 6.*

The only two grounds on which this contention is based are (1) that Shri K. C. Mehra was friendly to Mr. Kundra, and (2) that the stenographer of Shri K. C. Mehra is a brother of Shri Balmokand Rastogi, who was according to Shri Bansal the real culprit in the case. There is no evidence worth the name to show that Shri K. C. Mehra and Shri Kundra were in any way friendly. Shri Mehra has

stated in his evidence that there was no such friendship between him and Mr. Kundra. It may be that his stenographer is a brother of Shri Balmukand Rastogi. This fact by itself does not, however, justify any conclusion that Shri K. C. Mehra could in any way be influenced by his stenographer and that under the said influence he could act unjustly to Shri Bansal. Moreover Shri Balmukand Rastogi was only a witness at the enquiry and was not even present at the time when the two anna pieces are said to have been taken out by Shri Bansal from his bag. He could not be incriminated for the loss of these coins and there was no occasion for him to tell his brother to cause any influence on the agent of the Bank.

The only other ground which was urged before me was that the charge levelled against Shri Bansal amounted to an offence under the Indian Penal Code and under Para 521 of the Shastry award the Bank must have taken recourse to a criminal prosecution against Shri Bansal and that the present proceedings against Shri Bansal were not warranted by the said paragraph. After giving my careful consideration to this matter I do not find any substance in the same. In the Sen Award clause (2) of paragraph 319 provides:

“When in the opinion of the management an employee has committed an offence unless he be otherwise prosecuted the Bank *shall* take steps to prosecute him or get him prosecuted and in such a case he may also be suspended . . . . .”

In sub clause (a) of clause (2) of paragraph 521 of Shastry Award it is said:

“When in the opinion of the Management an employee has committed an offence unless he be otherwise prosecuted the Bank *may* take steps to prosecute him or get him prosecuted and in such a case he may also be suspended.” By comparing the language of the above provisions in the Sen Award and in the Shastry award it is clear that the word “shall” used in the Sen award does not exist in the Shastry Award where the word “may” is only used. Apart from this I am definitely of the opinion that clauses (9) and (10) of paragraph 521 of the Shastry award are quite independent of the provisions in the other clauses of this paragraph. It is true that action under clauses (9) and (10) could also be taken under various circumstances mentioned in clause (3) of this paragraph but I am not convinced that action under clauses (9) and (10) can not be taken against the delinquent except under the circumstances given in clause (3). I do not find any force in the contention that because the Bank did not take steps to prosecute Shri Bansal they were not entitled to hold a domestic enquiry and take action under clauses (9) and (10) of paragraph 521 of the Shastry Award.

For the reasons given above I find the issues in favour of the management and hold that the Bank was justified in taking the impugned action against Shri Bansal. The demand in the present reference is dismissed. No order as to costs.

(Sd.) K. L. GOSAIN,

The 30th April, 1964.

Presiding Officer.  
Industrial Tribunal.  
Chandigarh.

[No. 51(36)/63-LRIV.]

**S.O. 1660.**—In pursuance of section 17 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Indore in the industrial dispute between the employers in relation to the Punjab National Bank Limited and their workmen which was received by the Central Government on the 4th May, 1964.

# IN THE INDUSTRIAL TRIBUNAL, MADHYA PRADESH, INDORE

Before Shri M. A. Razzaque,

Industrial Tribunal, Madhya Pradesh.

REFERENCE No. 1/I.T./1964 (CENTRAL)

BETWEEN.

The M. P. Bank Employes Association, Raipur.—*First-party.*

AND

The Punjab National Bank Ltd., New Delhi.—*Second-party.*

In the matter of a reference made by the Government of India under Section 10(1)(d) of the Industrial Disputes Act, 1947, re: re-appointment of Shri Mastan Singh Chawla.

## AWARD

The Central Government has referred an industrial dispute under Clause (d) of Sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, (hereinafter called the Act) for adjudication to this Tribunal constituted under Section 7-A, of the Act. The industrial dispute exists between the Management of the Punjab National Bank Ltd., Head Office New Delhi and the Madhya Pradesh Bank Employees Association, Raipur, Madhya Pradesh (hereinafter referred to as the 'Bank' and the 'Association', respectively) regarding employment of an employee Shri Mastan Singh Chawla, Clerk, Jawahar Ganj Branch, Jabalpur, whose cause has been espoused by the Association, which is a registered union. The question for decision is whether Shri Mastan Singh Chawla who was re-appointed after a break of one day should be deemed to be in continuous employment.

2. The Statement of Claim on behalf of the Association was received on 29th February, 1964, and thereafter the case was adjourned to 3rd April, 1964, for the Written Statement of the Bank. In the meantime the parties submitted a compromise application dated 27th March, 1964, which was received in this office on 3rd April, 1964, wherein it was prayed that a consent award in terms of the compromise may be passed. The said compromise application was sent, in original, to the Presiding Officer, Labour Court, Jabalpur to ascertain if it bears the signatures of the parties and whether the compromise is voluntary. The Presiding Officer has submitted his report stating that Shri B. D. Sharma for the Bank and Shri P. H. Sharma, President of the Association, for the Association, have duly signed the compromise application and that the compromise is voluntary.

3. In view of the Presiding Officer's report, I hold that the agreement is lawful and the compromise is voluntary.

4. In terms of the compromise, as arrived at between the parties, I order as under:—

- (a) Shri Mastan Singh Chawla, Clerk at Jawahargunj, Jabalpur Branch of the Bank will be treated as probationer clerk with effect from 18th July, 1962, and shall be deemed to be a confirmed employee with effect from 18th January, 1963.
- (b) Shri Mastan Singh Chawla shall be given consequential benefits such as Provident Fund, Graded Increment, Leave etc., to which he becomes entitled under Desai Award from retrospective effects.
- (c) The arrears of increments etc., arising out of the above clauses will be paid within one month from the date of declaration of the Award by the Tribunal.

5. The award is passed accordingly. Parties shall bear their own costs as incurred.

Sd./- M. A. RAZZAQUE,  
Industrial Tribunal,  
Madhya Pradesh.

By order,

Sd./- H. S. SAXENA,

Registrar.

Indore, the 28th April, 1964.

[No. 51 (72) /63-LRIV.]

## ORDERS

*New Delhi, the 5th May 1964*

**S.O. 1661.**—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Indian Mercantile Insurance Company Limited and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay constituted under section 7A of the said Act.

#### SCHEDULE

Keeping in view the terms of settlement dated the 8th November, 1962 between the Indian Mercantile Insurance Company Limited, Bombay, and their workmen, what should be (i) the scheme of medical aid to be provided by the company for the benefit of workmen, and (ii) improvements, if any, that are required to be made in the existing gratuity scheme?

[No. 70(2)/64-LRIV.]

**S.O. 1662.**—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Punjab Co-operative Bank Limited, Jullundur, and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal consisting of Shri K. L. Gosain as the Presiding Officer, with its headquarters at Chandigarh, and refers the said dispute for adjudication to the said Industrial Tribunal.

#### SCHEDULE

Whether keeping in view the provisions of paragraph 6.39 of the Award of the National Industrial Tribunal (Bank Disputes), Bombay dated the 7th June, 1962, published with the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 2028, dated the 13th June, 1962, the demand for payment of enhanced conveyance allowance to Shri Thakur Durga Dass for attending to the clearing work is justified, and if so, to what relief is the workman entitled?

[No. 51(22)/64-LRIV.]

**S.O. 1663.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Canara Industrial and Banking Syndicate Limited, Udipi and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri Mir Iqbal Hussain shall be the Presiding Officer and which shall have its headquarters at Bangalore, and refers the said dispute for adjudication to the said Industrial Tribunal.

#### SCHEDULE

- (1) Whether the Canara Industrial and Banking Syndicate Limited, Udipi, is justified in imposing the condition that only such of those workmen would be considered for appointment as officer-trainee and promotion to probationary 'C' rank officers who agree to be governed by the rules of the bank as applicable to such officers in respect of scale of pay and other conditions of service? If not, to what relief are such workmen entitled?
- (2) Whether the bank is justified in imposing the condition of twelve months' training as officer-trainee before appointment as 'C' rank officer in addition to the probation prescribed after the appointment as a 'C' rank officer? If not, to what relief are the workmen entitled?

[No. 51(92)/63-LRIV]

*New Delhi, the 7th May, 1964.*

**S.O. 1664.**—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Bank of Behar Limited and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad constituted under section 7A of the said Act.

#### SCHEDULE

Whether having regard to the directions contained in the Award dated 21st July 1962 of the National Industrial Tribunal (Bank Dispute) Bombay published with the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 2603, dated 7th August 1962, the management of Bank of Behar Limited, Patna was justified in granting bonus to their workmen for the year 1962 at the rate of 70 per cent of their one month's basic salary as drawn on 31st December 1962? If not, to what quantum of bonus are the workmen entitled?

[No. 51(26)/64-LRIV.]

**S.O. 1665.**—Whereas, an industrial dispute between the employers in relation to the Canara Banking Corporation Limited and their workmen in respect of the matter specified in the Schedule hereto annexed was referred for adjudication to the Industrial Tribunal at Bangalore presided over by Shri S. S. Mallmath, by the Order of the Government of India in the Ministry of Labour and Employment, No. S.O. 3572 dated the 20th December 1963 and was pending before the said Industrial Tribunal;

And whereas, the services of Shri S. S. Mallmath have ceased to be available;

Now, therefore, in exercise of the powers conferred by section 7A, clause (d) of sub-section (1) of section 10, and sub-section (1) of section 33B of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri K. Gubbiah as the Presiding Officer with headquarters at Bangalore, withdraws the proceedings in relation to the said dispute from the Industrial Tribunal presided over by Shri S. S. Mallmath and transfers the same to the Industrial Tribunal constituted with Shri K. Gubbiah as the Presiding Officer thereof and directs that the said Industrial Tribunal shall proceed with the said proceedings from the stage at which they are transferred to it and dispose of the same according to law.

#### SCHEDULE

Whether the transfer on the 16th May, 1963 of Shri P. Venkataramana Shenoy from Virajpet to Chikodi branch of the Canara Banking Corporation Limited was justified; if not, to what relief is the workman entitled?

[No. 51(78)/63-LRIV.]

O. P. TALWAR, Under Secy.

*New Delhi, the 7th May 1964*

**S.O. 1666.**—In pursuance of clause (b) of sub-paragraph (1) of paragraph 4 of the Employees' Provident Funds Scheme, 1952, the Central Government on the recommendation of the Government of Madras hereby nominates Shri R. Balasubramaniam, Commissioner of Labour, Madras as a member of the Regional Committee for the State of Madras in the vacancy caused by the resignation of Shri

T. N. Lakshminarayanan and makes the following further amendment in the notification of the Government of India in the late Ministry of Labour No. S.R.O. 3381, dated the 2nd November, 1954, namely:—

In the said notification, in item (2), for the entry "Shri T. N. Lakshminarayanan, I.A.S., Commissioner of Labour, Madras", the following entry shall be substituted, namely:—

"Shri R. Balasubramaniam, Commissioner of Labour, Madras."

[No. 12/1/64/PF-II.]

*New Delhi, the 8th May 1964*

**S. O. 1667.**—In pursuance of sub-section(2) of section 9 of the Coal Mines Provident Fund and Bonus Schemes Act, 1948 (46 of 1948) and in supersession of the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 1166, dated the 25th March, 1964, the Central Government hereby specifies Shri P. Chandra, Coal Mines Provident Fund Commissioner, Dhanbad, as the authority who may sanction the making of a report of the facts constituting an offence under any of the following Schemes framed under the said Act, namely:—

- (i) The Coal Mines Provident Fund Scheme.
- (ii) The Andhra Pradesh Coal Mines Provident Fund Scheme.
- (iii) The Rajasthan Coal Mines Provident Fund Scheme.
- (iv) Paragraphs 8 and 9-A read with paragraph 12 of the Coal Mines Bonus Scheme
- (v) Paragraphs 7 and 8-A read with paragraph 12 of the Andhra Pradesh Coal Mines Bonus Scheme, 1952.
- (vi) Paragraphs 7 and 8-A read with paragraph 12 of the Rajasthan Coal Mines Bonus Scheme, 1954.
- (vii) Paragraphs 7 and 8A read with paragraph 12 of the Assam Coal Mines Bonus Scheme, 1955.

2. This notification shall come into force on the 17th April, 1964.

[No. 2(350)/63-PF-I.]

**S.O. 1668.**—In exercise of the powers conferred by sub-section (1) of section 10 of the Coal Mines Provident Fund and Bonus Schemes Act, 1948 (46 of 1948) and in supersession of the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 904 dated the 4th March, 1964 the Central Government hereby appoints the following officers to be Inspectors for the purposes of the Coal Mines Provident Fund Scheme, Andhra Pradesh Coal Mines Provident Fund Scheme, Rajasthan Coal Mines Provident Fund Scheme, Coal Mines Bonus Scheme, Andhra Pradesh Coal Mines Bonus Scheme Rajasthan Coal Mines Bonus Scheme and Assam Coal Mines Bonus Scheme, and directs that they shall, in relation to coal mines exercise the powers and perform the functions of Inspectors under the Said Act in the States of West Bengal, Bihar, Madhya Pradesh, Orissa, Maharashtra, Andhra Pradesh, Rajasthan and Assam, namely:—

- |   |   |   |
|---|---|---|
| <ol style="list-style-type: none"> <li>(1) Shri P. Chandra, Coal Mines Provident Fund Commissioner.</li> <li>(2) Shri S. D. Prasad</li> <li>(3) Shri Raviansh Kumar.</li> <li>(4) Shri D. C. Gupta.</li> <li>(5) Shri S. A. Moiz.</li> <li>(6) Shri B. K. Sinha.</li> <li>(7) Shri R. K. Ram.</li> <li>(8) Shri O. P. Sharma,</li> <li>(9) Shri M. K. Bhatnagar.</li> <li>(10) Shri N. G. Nandy,</li> </ol> | } | Assistant Commissioners, Coal Mines Provident Fund. |
|---|---|---|



- (11) Shri A. B. Prasad,
- (12) Shri S. P. Sharma,
- (13) Shri N. C. Bhattacharjee,
- (14) Shri L. P. Sinha,
- (15) Shri Laxmi Chandar,
- (16) Shri B. R. Uppal,
- (17) Shri P. N. Kacker,
- (18) Shri K. M. Burman,
- (19) Shri P. K. Bhattacharjee,
- (20) Shri Sant Kumar Saxena,
- (21) Shri Om Parkash Agarwal,
- (22) Shri Manoranjan Kumar Sinha,
- (23) Shri R. K. Rajbanshi,

Coal Mines Provident Fund  
Inspectors.

[No. 2(350)63-PF-I.]

P. D. GAIHA, Under Secy.

*New Delhi, the 8th May 1964*

**S.O. 1669.**—In pursuance of paragraph 23 of the Coal Mines Provident Fund Scheme, published with the notification of the Government of India in the late Ministry of Labour No. PF. 15(5)/48, dated the 11th December, 1948, and in supersession of the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 3472 dated the 6th December, 1963, the Central Government hereby appoints Shri P. Chandra, as the Coal Mines Provident Fund Commissioner, Dhanbad, with effect from the 17th April, 1964 (forenoon), vice Shri P. D. Gaiha.

[No. 6(96)/63-PF-I.]

**S.O. 1670.**—In pursuance of paragraph 3 of the Coal Mines Provident Fund Scheme published with the notification of the Government of India in the late Ministry of Labour No. PF. 15(5)/48, dated the 11th December, 1948, the Central Government hereby nominates Sarvashri F. Ahmad, Commissioner of Labour, Bihar, Patna, and P. Chandra, Coal Mines Provident Fund Commissioner, Dhanbad, to the Board of Trustees constituted by the Central Government under the said Scheme and makes the following further amendments in the notification of the Government of India in the Ministry of Labour and Employment No. 2370 dated the 23rd September, 1961, namely:—

In the said notification,—

- (a) in item 5, for the entries "Shri S. N. Pande", the entries "Shri F. Ahmad" shall be substituted.
- (b) in item 7, for the entry "Shri P. D. Gaiha", the entries "Shri P. Chandra" shall be substituted.

2. This notification in so far as it relates to item (b) above, shall come into force on the 17th April, 1964.

[No. 4(50)62-PF-I.]

S. A. AHMAD, Deputy Secy.

## MINISTRY OF INDUSTRY

*New Delhi, the 6th May 1964.*

**S.O. 1671.**—In exercise of the powers conferred under sub-section (1) of section 6 of the Central Silk Board Act, 1948, (61 of 1948), the Central Government hereby appoints Shri T. S. Pattabiraman Member, Rajya Sabha and Member of the Central Silk Board as Vice-Chairman of the Central Silk Board for a period of three years with effect from the 9th April, 1964.

[No. F. 22/2/64-HS(2) ]

**S.O. 1672.**—In exercise of the powers conferred by clause (j) of sub-section (3) of section 4 of the Central Silk Board Act, 1948, (61 of 1948), the Central Government hereby nominates Shri T. S. Pattabiraman, Member of Parliament, to serve on the Central Silk Board for a period of three years with effect from the 9th

May, 1964, and makes the following further amendment in the notification of the Government of India in the Ministry of Industry No. S.O. 1313, dated the 9th April, 1964.

In the said notification after serial number 23, the following shall be inserted namely:—

“24. Shri T. S. Pattabiraman,  
Member of Parliament,  
12-E, Feroz Shah Road,  
New Delhi.

Nominated by the  
Central Government under  
section 4(3) (j) of the Act.”

[No. F. 22/2/64-HS(2).]

R. KALYANASUNDARAM, Under Secy.

### ORDERS

New Delhi, the 8th May 1964

**S.O. 1673.—/BLIUR/18.**—In pursuance of rule 18 of the Registration and Licensing of Industrial Undertakings Rules, 1952, and in partial modification of the Order of the Government of India in the Ministry of Industry S.O. No. 2958/RLIUR/1, dated the 11th October, 1963, the Central Government hereby appoints Shri K. P. Goenka and Mr. A. D. Ogilvie to be members of the Reviewing Sub-Committee of the Central Advisory Council of Industries till the 10th October 1965, in place of Shri Bharat Ram and Mr. A. R. Foster respectively, whose term of office has expired.

[No. 11(1)Lic.Pol./64.]

**S.O. 1674.—/IDRA/5.**—In exercise of the powers conferred by section 5 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), read with rule 8 of the Central Advisory Council (Procedural) Rules, 1952, the Central Government hereby appoints Shri K. P. Goenka, Mr. A. D. Ogilvie and Mr. R. H. Morrison to be members of the Central Advisory Council of Industries till the 4th July 1965, in place of Lala Bharat Ram, Mr. A. R. Foster and Mr. J. V. Jardine Paterson respectively and directs that the following amendments shall be made in the Order of the Government of India in the Ministry of Industry No. S.O. 1932, dated the 5th July 1963, namely:

(a) In the said Order, for entry No. 2 relating to Lala Bharat Ram, the following entry shall be substituted, namely:

“2. Shri K. P. Goenka, “Owners” “Member”.  
President,  
Federation of Indian Chambers of  
Commerce & Industry,  
Federation House, New Delhi-1.

(b) In the said Order, for entry No. 3, relating to Mr A. R. Foster, the following entry shall be substituted, namely:—

“3. A. D. Ogilvie, Esq., “Owners” “Member”.  
President,  
The Associated Chambers of  
Commerce of India,  
Royal Exchange, Calcutta.

(c) In the said Order, for entry No. 16 relating to J. V. Jardine Paterson, Esq., the following entry shall be substituted, namely:—

“16. R. H. Morrison, Esq., “Owners” “Member”.  
Chairman,  
Indian Jute Mills Association,  
Royal Exchange,  
Calcutta-1.”

[No. 1(2)Lic.Pol./63.]

S. P. KRISHNAMURTHY, Under Secy.

## (Indian Standards Institution)

New Delhi, the 6th May 1964

S.O. 1975.—In pursuance of sub-regulation (1) of regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1961 and 1962, the Indian Standards Institution hereby notifies that Thirty-two licences, particulars of which are given in the Schedule hereto annexed, have been renewed.

## THE SCHEDULE

Serial No.	Licence No. and Date	Period of Validity		Name & Address of the licensee	Article(s) covered by the licence	Relevant Indian standard
		From	To			
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	CM/L-78 24-4-1958	1-5-64	30-4-65	M/s. Crossley and Towers Private Ltd., 3, Robinson Street, Calcutta-16.	Tea-Chest Plywood Panels.	IS : 10—1953 Specification for Plywood Tea-Chests ( <i>Revised</i> ).
2	CM/L-80 24-4-1958	1-5-64	30-4-65	M/s. Dass & Company 32, Chaulpatty Road, Calcutta-10.	Tea-Chest Plywood Panels	IS : 10—1953 Specification for Plywood Tea-Chests ( <i>Revised</i> ).
3	CM/L-82 24-4-1958	1-5-64	30-4-65	M/s. Dhubri Plywood Factory, Dhubri.	Tea-Chest Plywood Panels	IS : 10—1953 Specification for Plywood Tea-Chests ( <i>Revised</i> ).
4	CM/L-86 24-4-1958	1-5-64	30-4-65	The Surma Match and Industries Private Ltd., 67 B, Netaji Subhas Road, Calcutta-1.	Tea-Chest Plywood Panels	IS : 10—1953 Specification for Plywood Tea-Chests ( <i>Revised</i> ).
5	CM/L-180 30-3-1960	15-4-64	14-4-65	M/s. Shiv Scientifics & Chemicals, 55, Industrial Estate, Agra.	Nitric Acid, Pure and Analytical Reagent Grade.	IS : 264—1950 Specification for Nitric Acid.
6	CM/L-181 30-3-1960	15-4-64	14-4-65	M/s. Shiv Scientifics & Chemicals, 55, Industrial Estate, Agra.	Hydrochloric Acid, Pure and Analytical Reagent Grades.	IS : 265—1962 Specification for Hydrochloric Acid ( <i>Revised</i> ).
7	CM/L-182 30-3-1960	15-4-64	14-4-65	M/s. Shiv Scientifics & Chemicals, 55, Industrial State, Agra.	Sulphuric Acid, Pure and Analytical Reagent Grades.	IS : 266—1961 Specification for Sulphuric Acid ( <i>Revised</i> ).
8	CM/L-185 26-4-1960	1-5-64	30-4-65	M/s. Shalimar Tar Products, (1935) Limited, 6, Lyons Range, Calcutta.	Bitumen Felts for Water-Proofing and Damp-Proofing.	IS : 1322—1959 Specification for Bitumen Felts for Waterproofing and Damp-Proofing.
9	CM/L-241 21-11-1960	20-4-64	19-4-65	M/s. Bharat Pulverising Mills Private Ltd., Chinchpokli Cross Lane, Byculla, Bombay-8.	BHC Water Dispersible Powder Concentrates.	IS : 562—1962 Specification for BHC Water Dispersible Powder Concentrates ( <i>Second Revision</i> ).

(1)	(2)	(3)	(4)	(5)	(6)	(7)
10	CM/L-285 28-3-1961	15-4-64	14-4-65	M/s. All India Medical Corporation, Mulji Jetha Building, 185, Princess Street, Bombay-2.	BHC Dusting Powders	IS : 561—1962 Specification for BHC Dusting Powders ( <i>Second Revision</i> ).
11	CM/L-288 28-3-1961	15-4-64	14-4-65	M/s. Dr. Writer's Chocolates and Canning Co., Bhawani Shankar Road, Dadar, Bombay-28.	Macaroni, Spaghetti & Vermicelli.	IS : 1485—1959 Specification for Macaroni, Spaghetti and Vermicelli.
12	CM/L-289 30-3-1961	15-4-64	14-4-65	M/s. Devidayal (Sales) Private Ltd., Gupta Mills Estate, Reay Road, Darukhana, Bombay-1C.	BHC Water Dispersible Powder Concentrates.	IS : 562—1962 Specification for BHC Water Dispersible Powder Concentrates ( <i>Second Revision</i> ).
13	CM/L-391 20-3-1962.	2-4-64	1-4-65	M/s. Hindustan Steel Ltd., Durgapur Steel Project, P.O. Durgapur-3, Distt. Burdwan, having their registered office at Bihar Sectt. Bldg., P.O. Hinoo, Ranchi.	Structural Steel (Standard Quality)	IS : 226—1962 Specification for Structural Steel (Standard Quality) ( <i>Third Revision</i> )
14	CM/L-392 20-3-1962.	2-4-64	1-4-65	M/s. Hindustan Steel Ltd., Durgapur Steel Project, P.O. Durgapur-3, Distt. Burdwan, having their registered office at Bihar Sectt. Bldg., P.O. Hinoo, Ranchi.	Mild Steel and Medium Tensile Steel Bars for Concrete Reinforcement.	IS : 432—1960 Specification for Mild Steel and Medium Tensile Steel Bars and Hard-Drawn Steel Wire for Concrete Reinforcement ( <i>Revised</i> ).
15	CM/L-393 20-3-1962	2-4-64	1-4-65	M/s. Hindustan Steel Ltd., Durgapur Steel Project, P.O. Durgapur-3, Distt. Burdwan, having their registered office at Bihar Sectt. Bldg., P.O. Hinoo, Ranchi.	Structural Steel (High Tensile)	IS : 961—1962 Specification for Structural Steel (High Tensile) ( <i>Revised</i> ).
16	CM/L-394 20-3-1962	2-4-64	1-4-65	M/s. Hindustan Steel Ltd., Durgapur Steel Project, P.O. Durgapur-3, Distt. Burdwan, having their registered office at Bihar Sectt. Building, P.O. Hinoo, Ranchi.	Rivet Bars for Structural Purposes.	IS : 1148—1957 Specification for Rivet Bars for Structural Purposes.
17	CM/L-395 20-3-1962	2-4-64	1-4-65	M/s. Hindustan Steel Ltd., Durgapur Steel Project, P.O. Durgapur-3, Distt. Burdwan, having their registered office at Bihar Sectt. Building, P.O. Hinoo, Ranchi.	High Tensile Rivet Bars for Structural Purposes.	IS : 1149—1957 Specification for High Tensile Rivet Bars for Structural Purposes.

18	CM/L-396 20-3-1962	2-4-64	1-4-65	M/s. Hindustan Steel Ltd. Bhilai Steel Works, P. O. Bhilai, Distt. Durg having their Regd. office at Bihar Sectt. Building, P.O. Hinoo, Ranchi.	Structural Steel (Standard Quality).	IS : 226—1962 Specification for Structural Steel (Standard Quality) ( <i>Third Revision</i> ).
19	CM/L-397 20-3-1962.	2-4-64	1-4-65	M/s. Hindustan Steel Ltd., Bhilai Steel Works, P.O. Bhilai, Distt. Durg having their Regd. Office at Bihar Sectt. Building, P.O. Hinoo, Ranchi.	Mild Steel and Medium Tensile Steel Bars for Concrete Rein- forcement.	IS : 432—1960 Specification for Mild Steel and Medium Tensile Steel Bars and Hard-Drawn Steel Wire for Concrete Rein- forcement ( <i>Revised</i> ).
20	CM/L-398 20-3-1962	2-4-64	1-4-65	M/s. Hindustan Steel Ltd., Bhilai Steel Works, P.O. Bhilai, Distt. Durg having their Regd. Office at Bihar Sectt. Building, P.O. Hinoo, Ranchi.	Structural Steel (High Tensile)	IS : 961-1962 Specification for Structural Steel (High Tensile) ( <i>Revised</i> ).
21	CM/L-399 20-3-1962	2-4-64	1-4-65	M/s. Hindustan Steel Ltd., Bhilai Steel Works, P.O. Bhilai, Distt. Durg having their Regd. Office at Bihar Sectt. Building P.O. Hinoo, Ranchi.	Rivet Bars for Structural Pur- poses.	IS : 1148—1957 Specification for Rivet Bars for Structural Pur- poses.
22	CM-L/400 20-3-1962	2-4-64	1-4-65	M/s. Hindustan Steel Ltd., Bhilai Steel Works, P.O. Bhilai, for Distt. Durg having their Regd. Office at Bihar Sectt. Building, P.O. Hinoo, Ranchi.	High Tensile Rivet Bars for Structural Purposes	IS : 1149—1957 Specification for High Tensile Rivet Bars for Structural Purposes.
23	CM/L-402 29-3-1962	15-4-64	14-4-65	M/s. Modi Gas & Chemicals, Modinagar, Distt. Meerut.	Stearic Acid, Technical Grade 3	IS : 1675—1960 Specification for Stearic Acid, Technical.
24	CM/L-403 2-4-1962	15-4-64	14-4-65	M/s. Hindustan Mineral Pro- ducts Co. Pvt. Ltd., Plot No. 27 Manganese Depot, Sewari, Bombay-15 having their Head Office at 111, Industrial Area, Sion, Bombay-22.	BHC Dusting Powders	IS : 561—1962 Specification for BHC Dusting Powders ( <i>Second Revision</i> ).
25	CM/L-404 26-4-1962	1-5-64	30-4-65	M/s. Bharat Pulverising Mills Private Ltd., 38-A, Sayani Road, Bombay-28.	Aldrin Emulsifiable Concentrates	IS : 1207—1958 Specification for Aldrin Emulsifiable Concen- trates.
26	CM/L-406 25-4-1962	1-5-64	30-4-65	The Ganges Plywood Manufac- turing Co. Private Ltd., 35, Dent Mission Road, Clacutta- 23.	Tea-Chest Plywood Panels.	IS : 10—1953 Srecification for Plywood Tea-Chests ( <i>Revised</i> ).

(1)	(2)	(3)	(4)	(5)	(6)	(7)
27	CM/L-503 24-1-1963	13-4-64	12-4-65	M/s. B. D. Khaitan & Co. 29, Colootola Street, Calcutta having their Office at 5, Clive Row, Calcutta.	Tea-Chest Metal Fittings	IS : 10-1953 Specification for Tea-Chests ( <i>Revised</i> ).
28	CM/L-517 22-3-1963	15-4-64	14-4-65	M/s. Yawalkar Insecticides & Chemicals, Factory Shed No. 20, Industrial Estate, Kamp-tee Road, Nagpur-4 having their Office at Bhagwaghar Layout, Dharampeth, Nagpur.-I.	BHC Dusting Powders	IS : 561—1962 Specification for BHC Dusting Powders ( <i>Second Revision</i> ).
29	CM/L-521 27-3-1963	15-4-64	14-4-65	M/s. Nagrath Paints Private Ltd., 46, Fazalganj, Kanpur (U.P.)	(1) Ready Mixed Paint, Brushing Red Lead, Nonsetting, Priming. (2) Ready Mixed Paint, Brushing White Lead for Priming and for General Purposes. (3) Ready Mixed Paint, Brushing, Finishing, Exterior Oil Gloss, For General Purposes to Indian Standard Colours. (4) Ready Mixed Paint, Brushing, Finishing, Semi-Gloss For General Purposes, to Indian Standard Colours. (5) Ready Mixed Paint, Brushing, Finishing, Semi-Gloss, for General Purposes, to Indian Standard Colours. (6) Ready Mixed Paint, Brushing Finishing, Semi-Gloss, For General Purposes, to	IS : 102—1962 Specification for Ready Mixed Paint, Brushing, Red Lead, Nonsetting, Priming ( <i>Revised</i> ). IS : 103—1962 Specification for Ready Mixed Paint, Brushing, White Lead, for Priming and General Purposes ( <i>Revised</i> ). IS : 117—1950 Specification for Ready Mixed Paint, Brushing Finishing, Exterior, Oil Gloss, For General Purposes to Indian Standard Colours IS : 119—1962 Specification for Ready Mixed Paint, Brushing, Finishing, Semi-Gloss For General Purposes, to Indian Standard Colours ( <i>Revised</i> ). IS : 120—1962 Specification for Ready Mixed Paint, Brushing, Finishing, Semi-Gloss, For General Purposes, to Indian Standard Colours ( <i>Revised</i> ). IS : 121—1962 Specification for Ready Mixed Paint, Brushing, Finishing, Semi-Gloss,

- Indian Standard Colour. For General Purposes, to Indian Standard Colour No. 414, Golden Brown (*Revised*)
- (7) Ready Mixed Paint, Brushing Finishing, Semi-Gloss, For General Purposes, to Indian Standard Colours IS : 123-1962 Specification for Ready Mixed Paint, Brushing, Finishing, Semi-Gloss, For General Purposes, to Indian Standard Colours (*Revised*)
- (8) Ready Mixed Paint, Brushing, Finishing, Exterior Semi-Gloss, For General Purposes, White IS : 127-1962 Specification for Ready Mixed Paint, Brushing, Finishing, Exterior, Semi-Gloss, For General Purposes, White (*Revised*)
- (9) Ready Mixed Paint, Brushing Finishing, Semi-Gloss For General Purposes, Black IS : 128-1962 Specification for Ready Mixed Paint, Brushing, Finishing, Semi-Gloss, For General Purposes, Black (*Revised*)
- (10) Ready Mixed Paint, Brushing, Finishing, Interior, Oil Gloss, For General Purposes to Indian Standard Colours IS : 129-1950 Specification for Ready Mixed Paint, Brushing, Interior, Oil Gloss, For General Purposes, to Indian Standard Colours
- (11) Ready Mixed Paint, Brushing, For Road Marking, to Indian Standard Colour No. 356 Golden Yellow, and White and Black IS : 164-1951 Specification for Ready Mixed Paint, Brushing, For Road Marking to Indian Standard Colour No. 356 Golden Yellow, and White and Black
- (12) Ready Mixed Paint, Brushing, Finishing, Egg Shell Gloss, For Interior Use, to Indian Standard Colours IS : 870-1962 Specification for Ready Mixed Paint, Brushing, Finishing, Egg Shell Gloss, For Interior Use to Indian Standard Colours (*Revised*)
- (13) Ready Mixed Paint, Brushing, Finishing, Egg Shell Gloss, For Interior Use, to Indian Standard Colours IS 871-1956 Specification for Ready Mixed Paint, Brushing, Finishing, Egg Shell Gloss, For Interior Use, to Indian Standard Colours.

(1)	(2)	(3)	(4)	(5)	(6)	(7)
30	CM/L-524 27-3-1963	15-4-64	14-4-65	The Ganesh Flour Mills Company Ltd., 4, Kalpi Road, Fazalganj, Kanpur.	18-Litre Square Tins	IS : 916-1958 Specification for 18-Litre Square Tins.
31	CM/L-525 28-3-1963	15-4-64	14-4-65	M/s. Weights and Measures Syndicate, 76/2 Ichapur Road, Howrah	Single-Phase AC Capacitors Start Electric Motors 1/6 HP to 1 HP	IS : 996-1959 Specification for Small AC and Universal Electric Motors with Class 'A' Insulation
32	CM/L-528 18-4-1963	1-5-64	30-4-65	M/s. Hajipur Plywood Factory, Hajipur, District Muzaffarpur (Bihar) having their Office at 9 Clive Row, Calcutta-1.	Tea-Chest Plywood Panels	IS : 10-1953 Specification for Plywood Tea-Chests ( <i>Revised</i> )

[No. MD/33: 61/A]



**S. O. 1676**—In pursuance of sub-regulation (1) of regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1961, 1962 and 1964, the Indian Standards Institution hereby notifies that ten licences, particulars of which are given in the Schedule hereto annexed, have been granted authorizing the licensees to use the Standard Mark.

THE SCHEDULE

Sl. No.	Licence No. and Date	Period of Validity		Name and Address of the Licensee	Article/Process covered by the licence	Relevant Indian Standard
		From	To			
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	CM/L-651 21-4-1964	1-6-64	31-5-65	M/s. Modi Paint & Varnish Works, Modinagar, Distt. Meerut.	Ready Mixed Paints, Brushing Finishing, Exterior, Oil Gloss for General Purposes for Indian Standard Colours	IS : 117-1950 Specification for Ready Mixed Paint, Brushing, Finishing, Exterior, Oil Gloss for General Purposes to Indian Standard Colours
2	CM/L-652 28-4-1964	1-6-64	1-5-65	The Bharat Cables & Cables Mfg. Co. Ltd., Plot No. 66-A, Industrial Area, Faridabad Township (Punjab) having their Office at N-75, Bombay Life Building, Connaught Circus, New Delhi	Ink Duplicating and Weather Black for Rotary Type Machines	IS : 1222-1957 Specification for Ink Duplicating, All Weather, Black for Rotary Type Machines
3	CM/L-653 28-4-1964	1-6-64	31-5-65	M/s. Aquad Water Meter Manufacturing Co., Palluruthy Industrial Area, Cochin-5.	Water Meters (Domestic Type)	IS : 779-1961 Specification for Water Meters (Domestic Type) (Revised)
4	CM/L-654 28-4-1964	1-5-64	30-4-65	M/s. Sri Venkateswara Minerals (Private) Ltd., 3, Elaiya Mudali Street, Tondiarpet, Madras-21 having their regd., Office at 337, Thambu Chetty St., Madras-1.	BHC Dusting Powders	IS : 561-1962 Specification for BHC Dusting Powder (Revised)
5	CM/L-655 29-4-1964	1-6-64	31-5-65	M/s. Bansal Electric Stores, 8/33, South Industrial Area, Najafgarh Road, New Delhi-15 having their Office at 1472, Dariba Kalan, Delhi-6.	Metal Clad Switches 15 Amps 250 Volts Grade only	IS : 1567-1960 Specification for Metal Clad Switches (Current Rating Not Exceeding 100 Amperes)
6	CM/L-656 29-4-1964	1-6-64	31-5-65	M/s. Tensile Steel Limited, Hirabaug, Vishwamitri Road, Baroda.	Plain Hard-Drawn Steel Wire for Prestressed Concrete	IS : 1785-1961 Specification for Plain Hard-Drawn Steel Wire for Prestressed Concrete.

1	2	3	4	5	6	7
7	CM/L-657 29-4-1964	.	1-6-64	31-5-65	M/s. Pest Control Corporation, 2/4, Central Park, Jadavpur Calcutta-32 having their Office at 27, Bantinck, Street, Calcutta-1.	BHC Emulsifiable Concentra- tes  IS : 632-1958 Specification for BHC Emulsifiable concentra- tes ( <i>Revised</i> )
8	CM/L-658 29-4-1964	.	1-6-64	31-5-65	M/s. Annapurna Pulverising Mills Industrial Estate, Eluru, W.G. Distt. (A P.)	DDT Water Dispersible Pow- der Concentrates  IS : 565-1961 Specification for DDT Water Dispersible Powder Concentrates ( <i>Re- vised</i> )
9	CM/L-659 29-4-1964	.	1-6-64	31-5-65	The Pilot Production-Cum- Training Centre (Fractional Horse Power Unit), Uni- versity of Roorkee, Roorkee.	Fractional Horse Power Electric Motors, $\frac{1}{2}$ H. P. Single Phase Capacitor Start  IS : 996-1959 Specification for Small AC and Universal Electric Motors with Class 'A' Insulation
10	CM/L-660 29-4-1964	.	1-6-64	31-5-65	M/s. Sparton Electricals Bom- bay Dyeing Mills Compound, 'J' Shed, Old Prabodevi Road, Bombay-28.	Three Phase Induction Motors Up to 10 H.P. only  IS : 325-1961 Specification for Three-Phase Induction Mo- tors ( <i>Second Revision</i> )

[No. MD/33:16]

D. V. KARAMARKAR, Ag. Director.

## MINISTRY OF PETROLEUM AND CHEMICALS

New Delhi, the 17th April 1964

**S.O. 1677.**—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum between Barauni Refinery in Bihar State to Kanpur in Uttar Pradesh State, a pipeline should be laid by the Indian Refineries Limited and that for the purpose of laying such pipeline, it is necessary to acquire the right of user in land described in the Schedule annexed hereto;

2. Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the Competent Authority—Special Land Acquisition Officer, C/o Indian Refineries Limited, P.O. Hathidah, District Patna. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

## Schedule

State—Bihar			District—Shahabad			Thana—Dumrawan		
Village with thana	No.	Survey No. (Plot No.)	Extent in acre	Village with Thana	No.	Survey No. (Plot No.)	Extent in acre	
Kumbhi No. 201		313	0.34	Noan No. 203—contd.		1192	0.76	
		310	0.002			1194	0.42	
		319	0.05			1191	0.003	
		350	0.62			1207	0.20	
		347	0.17			1208	0.002	
		361	0.18			1210	0.22	
		362	0.20			1211	0.01	
		363	0.21			1212	0.22	
		368	0.25			1214	0.14	
		369	0.15			1226	0.455	
		380	0.75			1230	0.045	
		408	0.230			1231	0.045	
		409	0.23			1232	0.05	
		348	0.001			1234	0.001	
		410	0.03			1235	0.72	
		421	0.47			1256	0.002	
		420	0.28			1243	0.24	
		434	0.08			1242	0.001	
		433	0.08			1244	0.10	
		437	0.17			2362	0.001	
		441	0.22			1245	0.09	
Noan No. 203		442	0.50			1246	0.15	
		1171	0.66			1247	0.16	
		1172	0.10			1249	0.38	
		1173	0.10			2347	0.40	
		1174	0.07			2349	0.05	
		1176	0.14			2354	1.91	
		1177	0.14			2355	0.475	
		1179	0.28			2353	0.04	
		1180	0.115			2356	0.39	
		1184	0.45	Babhani No. 265]		29	1.319	
		1185	0.18			30	0.09	
		2366	0.08			31	0.001	
		1188	0.02					

Village with Thana No.	Survey No. (Plot No.)	Extent in acre	Village with Thana No.	Survey No. (Plot No.)	Extent in acre
Rahathua No. 262	2584	1.23	Adharpa No. 261—contd	1416	0.005
	2585	0.77		1418	0.06
	2586	0.05		1419	0.06
	2587	0.29		1459	0.26
	2591	0.04		1458	0.36
	2588	0.06		1333	1.06
	2597	0.77		1331	0.48
	2601	0.22		1329	0.004
	2598	0.05		1330	0.01
	2600	0.50	Kulhawa No. 150	1	0.694
	2699	0.005		2	0.005
	2652	0.015		17	0.01
	2709	0.56			
	2710	0.205		189	
	2708	0.68		18	0.21
	2692	0.01		21	0.045
	2699	0.09		245	0.05
	2700	0.09		246	0.94
	2701	0.03		234	0.41
	2702	0.02		255	0.001
	2711	0.005			
	2703	0.025	Kusalpur No. 149	249	0.045
	2705	0.05		250	0.22
	2706	0.12		255	0.03
	2707	0.15		256	0.08
	2713	0.16		257	0.07
	2738	0.06		258	0.10
	2739	0.02		260	0.22
	2740	0.11		261	0.10
	2741	0.01		267	0.614
	2742	0.11		266	0.09
	2743	0.11		268	0.27
	2744	0.10		271	0.03
	2747	0.12		272	0.025
	2749	0.09		273	0.025
	2750	0.04		274	0.25
	2769	0.29		275	0.12
	2770	0.26		226	0.395
	2771	0.27		240	0.02
	2772	0.03		269	0.001
	2773	0.37			
	2774	0.225	Bhojpurkadimi No. 154	318	0.30
	2775	0.11		344	0.47
	2778	0.08		345	0.08
	2779	0.07		343	0.06
	2781	0.185		346	0.38
	2782	0.095		347	0.59
				342	0.07
Adharpa No. 261	1379	0.055		351	0.41
	1378	0.002		350	0.17
	1380	0.22		385	0.47
	1382	0.35		384	0.18
	1384	0.08		419	0.31
	1383	0.66		422	0.42
	1393	0.253		423	0.16
	1394	0.27		425	0.002
	1395	0.001		426	0.05
	1396	0.13		421	0.15
	1397	0.025		427	0.43
	1398	0.025		450	0.15
	1399	0.22		429	0.01
	1404	0.27		449	0.405
	1405	0.27		451	0.019
	1414	0.355		456	0.16
	1417	0.44		457	0.14

Village with Thana No.	Survey No. (Plot No.)	Extent in acre	Village with Thana No.	Survey No. (Plot No.)	Extent in acre
Bhojpurkadim No. 154— <i>contd.</i>	458	0.15	Bhojpurkadim No. 154— <i>contd.</i>	3496	0.455
	460	0.17		3495	0.25
	529	0.07		3492	0.175
	580	0.43			
	612	0.02			
	582	0.19		1	0.005
	583	0.05	Khirauli No. 155	10	0.203
	581	0.27		111	0.28
	575	0.005		110	0.25
	573	0.28		136	0.23
	572	0.002		112	0.24
	574	0.09		35	0.30
				134	0.12
	571	0.385			
	570	0.125	Dumrawan No. 161	662	0.21
	544	0.12		661	0.02
	546	0.355		679	1.88
	547	0.52		746	0.035
	545	0.015		747	0.04
	548	0.26			
	549	0.002	Mustafapur No. 167	51	0.23
	3555	0.035		52	0.165
	3553	0.10		53	0.03
	3544	0.25		54	0.175
	3542	0.005		55	0.01
	3545	0.25		57	0.025
	3546	0.02		58	0.285
	3538	0.25		50	0.105
	3537	0.015		49	0.15
	3530	0.13		48	0.155
	3520	0.29		63	0.34
	3529	0.15		43	0.24
	3521	0.05		36	0.02
	3522	0.39		69	0.005
	3515	0.30		70	0.40
	3460	0.29		71	0.39
	3461	0.40		72	0.309
	3462	0.24		79	0.12
	3500	0.27		80	0.01
	3499	0.19		81	0.18
	3463	0.01		82	0.185
	3498	0.345		83	0.08
	3497	0.44		84	0.10
				85	0.03
				86	0.025

[No. 31/47/63-ONG-1.]

S.O. 1678.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum between Barauni Refinery in Bihar State to Kanpur in Uttar Pradesh State, a pipeline should be laid by the Indian Refineries Limited and that for the purpose of laying such pipeline, it is necessary to acquire the right of user in land described in the Schedule annexed hereto;

2. Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act.

1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the Competent Authority—Special Land Acquisition Officer, C/o Indian Refineries Limited, P.O. Hathidah, District Patna. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

## SCHEDULE

State—Bihar

District—Patna

Thana—Patua

Village with thana No.	Survey No. (Plot No.)	Extent in acre	Village with thana No.	Survey No. (Plot No.)	Extent in acre
Raipura No. 23	1345	0.02	Raipura No. 23—contd.	2263	0.165
	1344	0.185		2259	0.22
	1350	0.035		2258	0.05
	1346	0.26		2261	0.185
	1349	0.03		2256	0.08
	1351	0.35		2254	0.65
	1353	0.245		2255	0.005
	1814	0.21		2253	0.60
	1813	0.17		2237	0.23
	1811	0.13		2238	0.08
	1429	0.34		2245	0.12
	1804	0.02		2239	0.005
	1439	0.42		2243	0.24
	1449	0.15	Warisipur No. 24		
	1753	0.10		1	0.41
	1750	0.15		2	0.02
	1761	0.01		3	0.025
	1760	0.035		4	0.11
	1759	0.08		251	0.14
	1754	0.22			
	1755	0.04			
	1749	0.04	Mominpur No. 120	172	0.20
	1748	0.03		166	0.08
	1743	0.16		165	0.07
	1735	0.13		163	0.03
	1733	0.15		164	0.07
	2198	0.16		173	0.035
	2199	0.71		185	0.08
	2200	0.03		191	0.005
	2201	0.40		198	0.18
	2209	0.135		196	0.11
	2210	0.25		197	0.04
	2211	0.035		193	0.005
	2213	0.05		195	0.21
	2214	0.17		194	0.22
	2218	0.01		243	0.025
	2219	0.13		239	0.015
	2220	0.01		238	0.19
	2262	0.18		237	0.035

Village with thana No.	Survey No. (Plot No.)	Extent (in acre)	Village with thana No.;	Survey No. (Plot No.)	Extent in acre
Abdul Rahmanpur No. 121 . . . . .	13 33 34	0.17 0.385 0.30	Haridasbigha No. 126 — <i>contd.</i>	1731 1757 1758 1759 1760 1805 1806 1809 1810 1903 1902 1901 2914 1441	0.03 0.045 0.06 0.165 0.155 0.55 0.095 0.015 0.52 0.11 0.14 0.20 0.045 0.005
Kurtha No. 123 . . . . .	960 961 962 979 978 989 990 1000 999 994 996 1009 1008 987	0.40 0.08 0.05 0.175 0.25 0.10 0.025 0.14 0.10 0.005 0.10 0.32 0.085 0.02	Katauna No. 132 . . . . .	87 86  85 84 83 82 94 97 98 199 200 201 206 207 349	0.34 0.19  0.13 0.115 0.21 0.18 0.215 0.145 0.115 0.475 0.15 0.20 0.26 0.17 0.045
Haridasbigha No. 126 . . . . .	1242 1241 1240 1243 1233 1234 1228 1229 1383 1416 1418 1419 1420 1421 1442 1451 1443 1447 1446 1444 1445 1502 1688 1687 1686 1504 1685 1503 1683 1682 1681 1684 1725 1724 1726 1723 1727 1728 1729 2122 1730 2121	0.17 0.18 0.18 0.01 0.12 0.18 0.13 0.255 0.035 0.145 0.20 0.145 0.30 0.05 0.215 0.08 0.24 0.07 0.135 0.02 0.09 0.15 0.12 0.02 0.03 0.11 0.02 0.065 0.03 0.02 0.035 0.19 0.07 0.11 0.01 0.01 0.40 0.125 0.14 0.195 0.11 0.03	Chhotka Nawada No. 133 . . . . .	54 58 60 61 126 124 123 122 121 317 319 320 321 324 323 338	0.38 0.365 0.315 0.48 0.375 0.195 0.115 0.115 0.205 0.05 0.21 0.045 0.02 0.14 0.26 0.05
			Kasimpur No. 134 . . . . .	127 128 129 130 131 132 133 134 197 196 314 315 316	0.415 0.01 0.24 0.11 0.16 0.23 0.19 0.20 0.165 0.155 0.205 0.145 0.05

Village with thana No.	Survey No. (Plot No.)	Extent in acre	Village with thana No.	Survey No. (Plot No.)	Extent in acre
Tilhar No. 130	220	0.035	Mustafapur No. 139— <i>contd.</i>	335	0.03
	257	0.23		334	0.235
	256	0.02		333	0.09
	255	0.40		347	0.10
	253	0.015		348	0.26
	275	0.21		349	0.19
	276	0.26		350	0.21
	277	0.27		351	0.035
	278	0.115		352	0.08
	279	0.04		353	0.06
	280	0.005		354	0.05
	311	0.015		355	0.065
				356	0.065
Bhuski No. 136	30	0.085		357	0.06
	31	0.24		358	0.065
	32	0.27		359	0.085
	46	0.065			
	45	0.035	Hasanpur No. 144	106	0.18
	47	0.07		105	0.045
	44	0.165		121	0.05
	43	0.09		122	0.10
	42	0.10		120	0.07
	39	0.33		131	0.09
	38	0.01		129	0.02
	138	0.275		130	0.02
	137	0.04		21	0.02
	140	0.64			
	141	0.245	Shekhpura No. 143	156	0.015
	142	0.125		158	0.135
	681	0.01		159	0.225
	693	0.065		160	0.14
				161	0.075
Rasulpur No. 137	157	0.01		162	0.10
	159	0.025		167	0.37
	160	0.16		155	0.34
	162	0.035			
	163	0.41	Haibatpur No. 146	826	0.17
	192	0.085		827	0.055
	194	0.32		830	0.085
	195	0.055		831	0.08
	196	0.075		820	0.05
	197	0.05		819	0.02
	199	0.055		818	0.03
	200	0.05		817	0.15
	201	0.035		816	0.15
	205	0.035		815	0.175
	206	0.025		809	0.045
	207	0.02		811	0.145
	208	0.015		812	0.215
	211	0.26		788	0.09
	214	0.17		764	0.035
	269	0.05		765	0.33
	213	0.35		769	0.045
	215	0.375		770	0.055
				771	0.05
Khusropur No. 140	547	0.06		773	0.05
				774	0.05
Mustafapur No. 139	170	0.425		775	0.01
	175	0.20		776	0.01
	194	0.03		777	0.02
	179	0.165		778	0.03
	181	0.05		780	0.02
	182	0.035		783	0.035
	336	0.17		782	0.06



Village with thana No.	Survey No. (Plot No.)	Extent in acre	Village with thana No.	Survey No. (Plot No.)	Extent in acre
Haibatpur— <i>contd.</i>	781	0.005	Kutubpur No. 5— <i>contd.</i>	201	0.09
	718	0.235		203	0.055
	719	0.10		202	0.10
	726	0.09		229	0.175
	727	0.14		228	0.215
	712	0.02		227	0.035
	711	0.01		224	0.395
	710	0.01		223	0.04
	728	0.155			
	729	0.06	Daulatpur No. 4	72	0.405
	772	0.035		68	0.095
				67	0.04
Lodipur No. 145	1	0.06		65	0.05
	32	0.09		64	0.08
	33	0.08		63	0.16
	29	0.01		62	0.155
	34	0.205			
	230	0.065	Bikrampur Aima No. 3	117	0.125
	229	0.045		118	0.435
	212	0.045		119	0.28
	211	0.20		120	0.035
	210	0.035		107	0.205
	209	0.03		60	0.125
	205	0.025		69	0.05
	206	0.02		61	0.20
	204	0.11		62	0.28
	184	0.05		63	0.35
	169	0.205		76	0.03
	170	0.30		79	0.005
	168	0.67		80	0.13
	35	0.005		81	0.125
	577	0.02		82	0.07
				83	0.085
Murajpur No 6	290	0.155			
	292	0.03	Bikrampur Zabti No.11	1	0.045
	293	0.065		5	0.375
	289	0.155		6	0.44
	295	0.20		7	0.36
	272	0.15		8	0.02
	273	0.005		47	0.045
	271	0.145		46	0.43
	268	0.075		45	0.01
	266	0.055		44	0.23
	265	0.03		43	0.295
	264	0.04		42	0.04
	263	0.075		73	0.38
	261	0.20		74	0.165
	260	0.065		75	0.15
	202	0.20		76	0.045
	199	0.02		77	0.005
	198	0.18		78	0.145
	197	0.01		79	0.245
	196	0.15		72	0.005
	216	0.05			
	217	0.165	Bikrampur No. 10	21	0.43
	218	0.11		45	0.09
	219	0.09		44	0.095
	220	0.005		43	0.12
	221	0.18		41	0.035
	236	0.015		40	0.215
				38	0.255
Kutubpur No. 5	171	0.015		39	0.005
	164	0.045		59	0.15
	165	0.695		37	0.045
	200	0.07			

Village with thana No.	Survey No. (Plot No.)	Extent in acre	Village with thana No.	Survey No. (Plot No.)	Extent in acre
Khizirpur No. 12	32	0.185	Gobindpur Kurtha— <i>contd.</i>	376	0.05
	31	0.05		375	0.075
	70	0.38		374	0.21
	69	0.03		371	0.02
	62	0.18		373	0.33
	68	0.175		389	0.315
	67	0.165		390	0.10
	69			384	0.065
		0.16		392	0.43
	225			394	0.195
Garhochak No. 13	123	0.17		395	0.085
	124	0.12		397	0.025
	120	0.08		256	0.135
	119	0.28	Mohsinpur Kurtha 17	325	0.02
	118	0.06		213	0.18
	115	0.10		212	0.365
	114	0.085		211	0.255
	116	0.085		219	0.05
	113	0.065		220	0.305
	73	0.005		221	0.045
	72	0.21		222	0.135
	70	0.31		224	0.06
	66	0.28		225	0.03
	64	0.095		256	0.24
	61	0.095		255	0.245
	60	0.03		267	0.075
	59	0.04		268	0.17
	58	0.05		269	0.005
	57	0.05		270	0.18
	56	0.16		296	0.04
	55	0.24		253	0.055
	54	0.09		307	0.285
	53	0.07		306	0.07
	244	0.25		308	0.33
	243	0.02		309	0.13
	242	0.045		310	0.04
	241	0.295		315	0.24
	251	0.215			
	255	0.11	Bankipur No. 18	420	0.02
	258	0.005		421	0.225
	256	0.075		419	0.04
	257	0.11		418	0.245
				416	0.335
Gobindpur Kurtha 16	259	0.40		414	0.185
	260	0.035		415	0.37
	262	0.285		434	0.005
	275	0.02		440	0.045
	276	0.24	Mirjapur Nohta 20	616	0.18
	277	0.01		617	0.205
	278	0.075		618	0.08
	279	0.11			
	280	0.08	Senaru No. 30	1457	0.09
	288	0.06		1450	0.06
	289	0.05		1451	0.25
	290	0.005		1456	0.305
	331	0.025		1458	0.05
	282	0.31		1459	0.41
	284	0.085		1460	0.34
	339	0.12	Gobindpur Daria No. 22	587	0.12
	340	0.235		589	0.18
	338	0.065		593	0.27
	337	0.025		601	0.065
	348	0.46		602	0.01
	370	0.13		599	0.03

**S.O. 1679.**—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum between Barauni Refinery in Bihar State to Kanpur in Uttar Pradesh State, a pipeline should be laid by the Indian Refineries Limited and that for the purpose of laying such pipeline, it is necessary to acquire the right of user in land described in the Schedule annexed hereto;

2. Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 to 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the Competent Authority—Special Land Acquisition Officer, C/o Indian Refineries Limited, P.O. Hathidah, District Patna. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

## SCHEDULE

State - Bihar			District - Patna		Thana - Patna city	
Village with Thana No.	Survey No. (Plot No.)	Extent in acre	Village with Thana No.	Survey No. (Plot No.)	Extent in acre	
Mirchi No. 22	672	0.03	Mircha No. 24— <i>contd.</i>	321	0.06	
	154	0.52		407	0.02	
	155	0.005		371	0.38	
	151	0.07	Mirchi Bhawanian No. 23	10	0.42	
	150	0.3475		11	1.03	
	149	0.31		13	0.22	
	156	0.045		44	0.56	
	203	0.25		45	0.44	
	198	0.07		46	0.33	
	199	0.09		47	0.28	
	200	0.11				
	201	0.2425	Mahuli No. 26	367	0.01	
	202	0.065		368	0.14	
	231	0.005		369	0.11	
	232	0.12		370	0.07	
	240	0.115		371	0.04	
	239	0.18		372	0.06	
	238	0.155		373	0.005	
	237	0.14		1307	0.07	
	337	0.01		1328	0.03	
	336	0.025		1306	0.16	
	324	0.33		376	0.01	
	322	0.725	Gauharpur No. 29	80	0.01	
	682	0.095		1	0.145	
	683	0.26		3	0.005	
	333	0.34		4	0.315	
	334	0.45		5	0.045	
				6	0.24	
				7	0.05	
				16	0.005	
				15	0.125	
				18	0.10	
Mircha No. 24	29	0.01		19	0.11	
	30	0.26		20	0.08	
	28	0.18		21	0.06	
	31	0.03		22	0.04	
	27	0.28		23	0.01	
	350	0.45		24	0.04	
	351	0.22		25	0.10	
	329	0.09		26	0.145	
	292	0.10		27	0.065	
	293	0.07				
	317	0.14				
	323	0.09				
	322	0.30				

[No. 31/47/63-ONG-iii.]

*New Delhi, the 30th April 1964*

**S.O. 1680.**—Whereas by a notification of the Government of India in the Ministry of Mines and Fuel, S.O. No. 2140, dated the 6th August, 1963 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) read with S.O. No. 3588, dated the 20th December, 1963, the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines;

And whereas the competent authority has, under sub-section (i) of section 6 of the said Act, submitted report to the Government;

And whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (i) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands, shall instead of vesting in the Central Government, vest on the date of the publication of this declaration in the Indian Refineries Limited free from all encumbrances.

#### SCHEDULE

State—Bihar

District—Santhal Parganas

Thana—Dcoghra

Village with Thana No.	Survey No. (Plot No.)	Extent in acre	Village with Thana No.	Survey No. (Plot No.)	Extent in acre
Sirsia No. 320	575		Sirsia No. 320	664	0.12
	992	0.03		1055	0.005
	565	0.46		1056	0.035
	569	0.09		665	0.105
	568	0.01		666	0.07
	570	0.12		1057	0.04
	593	0.06		1058	0.02
	578	0.02		667	0.10
	1029	0.03		1059	0.005
	577	0.035		717	0.19
	579	0.055		716	0.05
	580	0.07		715	0.23
	1034	0.025		712A	0.60
	581	0.02		712B	0.155
	576	0.005		712C	0.025
	582	0.055		1061B	0.105
	618	0.06		1061C	0.13
	619	0.12		1061D	0.05
	623	0.17		709	0.065
	624	0.06		1095	0.01
	625	0.05	Kundikola No. 327	4	0.08
	626	0.105		5	0.12
	629	0.05		126	0.08
	628	0.13		2	0.35
	627	0.02		46	1.02
	659	0.02		11	0.14
	658A	0.23		10	0.42
	658B	0.03		128	0.005
	658C	0.02	Mathurapur No. 328	140A	0.44
	660	0.15		140B	0.50
	662	0.12		168	0.415
	663	0.13		141	0.51

Village with Thana No.	Survey No. (Plot No.)	Extent in acre	Village with thana No.	Survey No. (Plot No.)	Extent in acre
Mathurapur No. 328	143	0·01	Sadhujor No. 354— <i>contd.</i>	304	0·03
— <i>contd.</i>	144	0·04		301	0·005
	136	0·15		300	0·03
	869	0·09		299	0·12
	868A	0·19		298	0·06
	868B	0·40		294A	0·08
	870	0·008		294B	0·08
	872	0·19		295	0·02
	867	0·14		289	0·12
	873	0·005		290	0·065
	875	0·10		291	0·05
	876	0·17		284	0·005
	877	0·09		323	0·02
	879A	0·04		282	0·19
	880	0·07		283	0·06
	879B	0·03		281	0·07
	887	0·06		270	0·05
	882	0·005		271	0·19
	883	0·11		273	0·005
	885	0·28		263	0·05
	896	0·18		265	0·02
	895A	0·12		264	0·04
	895B	0·008		262	0·01
	898	0·008		352	0·04
	899	0·08		253	0·015
	900	0·03		251	0·24
	1260A	0·75		250	0·08
	1260B	0·04		249	0·10
	1260C	0·19		244	0·08
	1260D	0·30		243	0·02
	1260E	2·07		239	0·165
	1262	0·10		374	0·07
Bichkora No. 334	74	0·11		379	0·03
	185	0·10		378	0·005
	184	0·32		380	0·11
	186	0·20		381	0·005
	75A	0·50		382	0·08
	181	0·18		383	0·01
	221	0·01		585	0·51
	222	0·20		586	0·11
	224	0·09		587	0·14
	223	0·02		590	0·155
	219	0·06		589	0·035
	75B	0·37		592	0·015
	75C	0·26		628A	0·16
Pathra No. 335	425A	0·025		628B	0·64
	425B	0·06		628C	0·27
	485	0·045		627	0·09
	441	0·055		629	0·06
	444A	0·08	Barkitanr No. 351	40	0·005
	444B	0·13		41	0·04
Siktia No. 353	2A	0·56		42	0·10
	2B	0·91		43	0·01
	2C	0·38		44	0·33
	3A	0·25		108	0·03
	3B	0·195		109	0·25
	6	0·05		110	0·375
				111	0·10
Sadhujor No. 354	307	0·04	Daugi No. 358	278	0·04
	303	0·235		296	0·005
	42	0·02	929	300	0·16
	302	0·30		299	0·38

Village with thana No.	Survey No. (Plot No.)	Extent in acre	Village with thana No.	Survey No. (Plot No.)	Extent in acre
Daugi No. 358— <i>contd.</i>	302A	0.10	Daugi No. 388— <i>contd.</i>	323	0.03
	302B	0.08		324	0.24
929	303	0.02	929	336A	0.30
	304A	0.045		336B	1.29
	304B	0.28		178	0.14
	319	0.015		337A	0.54
	318	0.10		337B	0.40
	317	0.135		337C	0.40
				427	0.22
	316	0.135		436A	0.46
	322	0.25		436B	0.18
				429A	0.1

[No. 31/47/63-ONG-iv.]

**S.O. 1681.**—Whereas by a notification of the Government of India in the Ministry of Mines and Fuel, S.O. No. 2758, dated the 21st September, 1963 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) read with S.O. No. 31, dated the 13th December, 1963, the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines;

And whereas the competent authority has, under sub-section (i) of section 6 of the said Act, submitted report to the Government;

And whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the Schedule appended to this notification;

Now therefore, in exercise of the powers conferred by sub-section (i) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands, shall instead of vesting in the Central Government, vest on the date of the publication of this declaration in the Indian Refineries Limited free from all encumbrances.

#### SCHEDULE

State—Bihar			District Santhal—Parganas			Thana—Deoghar		
Village with thana No.	Survey No. (Plot No.)	Extent in acre	Village with thana No.	Survey No. (Plot No.)	Extent in acre	Village with thana No.	Survey No. (Plot No.)	Extent in acre
Raydi No. 122	575	0.335	Raydi No. 122— <i>contd.</i>	724	0.008			
	571	0.030		719	0.41			
	451	0.41		656	0.005			
	577	0.04		717	0.01			
	450	1.36						
	655	0.875	Ghorlas No. 197	15	0.64			
	697	0.08		83A	0.235			
	695	0.11		82	0.08			
	696	0.09		83B	0.11			
	692	0.05		83C	0.09			
	691	0.06		74	0.27			
	718	0.08		75A	0.08			
	720	0.07		75B	0.11			

Village with thana No.	Survey No. (Plot No.)	Extent in acre	Village with thana No.	Survey No. (Plot No.)	Extent in acre
Ghorlas No. 197— <i>contd.</i>	73	0·43	Rohini No. 196— <i>contd.</i>	442	0·17
	70	0·28		446	0·12
	65A	0·20		506	0·035
	65B	0·14		456	0·44
	68A	0·05		458	0·015
	68B	0·11		2105	0·16
	69	0·007		460	0·17
	67	0·035		461	0·16
	66	0·20		1937	0·12
	65C	0·31		1936	0·07
				1935	0·07
Rohini No. 196	8	0·20		1934	0·04
	9	0·06		1929	0·045
	10	0·03		1930	0·01
	392A	0·08		1932	0·07
	11	0·09		1931	0·15
	392B	0·04		1926	0·03
	384	0·005		1925	0·16
	382A	0·06		1951	0·02
	383	0·13		1952	0·065
	382B	0·04		2372A	0·08
	385A	0·06		1923	0·20
	382C	0·13		448	0·015
	385B	0·15		1920	0·22
	371	0·06		1918	0·21
	372	0·18		2372B	0·07
	369	0·17		3115	0·02
	406	0·05		2549	0·07
	368	0·015		2548	0·05
	409	0·46		2547	0·12
	410	0·19		2550	0·06
	411	0·13		2551	0·04
	426	0·055		3180	0·07
	417	0·05		2552	0·13
	416	0·06		2553	0·04
	418A	0·14		2554	0·45
	419	0·065		2555	0·03
	418B	0·10		2556	0·21
	435	0·18		2568	0·45
	436	0·005		2567	0·13
	537	0·005		2569	0·07
	437	0·07		2571	0·34
	438	0·24		2570	0·08
	441	0·09		2585	0·37

[No. 31/47/63-ONG-v.]

**S.O. 1682.**—Whereas by a notification of the Government of India in the Ministry of Mines and Fuel, S.O. No. 2126, dated the 5th August, 1963 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) read with S.O. No. 154, dated the 4th January, 1964, the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines;

And whereas the competent authority has, under sub-section (i) of section 6 of the said Act, submitted report to the Government;

And whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the Schedule appended to this notification;

Now therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user



in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands, shall instead of vesting in the Central Government, vest on the date of the publication of this declaration in the Indian Refineries Limited free from all encumbrances.

## SCHEDULE

State—Bihar

District—Santhal

Thana—Madhupur

Village with thana No.	Survey No. (Plot No.)	Extent in acre	Village with thana No.	Survey No. (Plot No.)	Extent in acre
Baghnadih No. 490	38	0·06	Baghnadih No. 490—	473	0·01
	37	0·005	<i>contd.</i>	475	0·04
	39	0·115		477	0·05
	40	0·03		476	0·04
	77	0·42		1056	0·11
	81	0·16		341	0·02
	80	0·02			
	69	0·20	Dend No. 489	7	0·185
	68	0·14		8	0·19
	67	0·04		10A	0·34
	62	0·12		9A	0·005
	84	0·06		9B	0·12
	63	0·115		9C	0·015
	60	0·14		10B	0·63
	327	0·14		31	0·205
	326	0·04		32	0·07
	325	0·08		33	0·17
	330	0·02			
	331	0·08		32	
	343	0·06	Nawadih No. 488		0·02
	332	0·10		1819	
	342	0·06		32	0·04
	338	0·01		53	0·07
	339	0·02		54	0·02
	340	0·03		700	0·08
	350	0·04		712	0·06
	353	0·01		1813	0·01
	352	0·16		702	0·03
	363	0·18		701	0·02
	362	0·14		705	0·01
	360	0·005		711	0·055
	361	0·14		714	0·04
	383	0·10		713	0·05
	385	0·02		716	0·01
	384	0·08			
	387	0·005		1810	
	386	0·165		716	0·12
	388	0·06		745	0·01
	445	0·10		746	0·01
	446	0·005		744	0·11
	447	0·01		743	0·09
	444	0·005		739	0·01
	449	0·10		748	0·07
	450	0·10		747	0·03
	451	0·04		749	0·02
	453	0·17		750	0·02
	456	0·07		751	0·04
	455	0·08		753	0·02
	457	0·08		752	0·06
	458	0·08		754	0·04
	468	0·04		755	0·14
	470	0·06		757	0·03
	469	0·07		759	0·055

Village with thana No.	Survey No. (Plot No.)	Extent in acre	Village with thana No.	Survey No. (Plot No.)	Extent in acre
Nawadih No. 488— <i>contd.</i>	756	0·06	Kasaiya No. 533	374	0·01
	1830			369	0·03
	760	0·07		265	0·01
	762	0·015		951	
	761	0·09			
	761	0·02	Barjora No. 534	43	0·645
	1832			45	0·165
	715			46	0·26
	718	0·01		47	0·045
	717	0·005		57	0·055
		0·02		205	0·01
Vitia No. 508	235	0·06		56	0·06
	234	0·015		54	0·08
	236	0·04		212	0·075
	233	0·11		211	0·24
	237	0·04		214	0·095
	267	0·12		207	0·11
	279	0·12		218	0·03
	278	0·04		217	0·085
	277	0·005		274	0·08
	276	0·15		222	0·175
	275	0·01		223	0·085
	280	0·10		268	0·085
	300	0·07		267	0·15
	308	0·02		257	0·04
	307	0·07		259	0·17
	309	0·06		258	0·05
	306	0·06		243A	0·09
	310	0·02		244	0·02
	311	0·165		245	0·175
				243B	0·145
Kasaiya No. 533	266	0·10		266	0·04
	265	0·083		260	0·005
	267	0·025		1	0·005
	264	0·15		55	0·005
	272	0·02	Chaparia No. 565	209	0·06
	261	0·01		210	0·115
	260	0·03		211	0·235
	273	0·24		212	0·015
	377	0·075		206	0·315
	378	0·005		203	0·01
	371	0·03		200	0·09
	372	0·02		199	0·155
	373	0·03		198	0·005
	367	0·04		196	0·06
	370	0·075		197	0·135
	386	0·001		191	0·115
	402	0·14		213	0·065
	406	0·07		186	0·03
	408	0·04		183	0·285
	409	0·22		184	0·055
	410	0·03		182	0·02
	411	0·03		223	0·245
	424	0·08		224	0·145
	426	0·03		225	0·195
	423	0·10		226	0·13
	422	0·06		227	0·005
	431	0·15		361	0·195
	432	0·25		364	0·235
	368	0·03		365	0·07
	403	0·06		366	0·145
	262	0·001		367	0·085
				368	0·01

Village with thana No.	Survey No. (Plot No.)	Extent in acre	Village with thana No.	Survey No. (Plot No.)	Extent in acre
Chaparia No. 565— <i>contd.</i>	204	0.16	Sarpatta No. 588	1	0.31
	193	0.005		20	0.10
Ickra No. 566	2238	0.02		21	0.08
	2239	0.25		22	0.09
	2240	0.11		23	0.13
	2241	0.12		24	0.08
	2259	0.49		59	0.012
	2260	0.08		51	0.08
	2258	0.015		50	0.14
	2263	0.15		49	0.005
	2264	0.10		52	0.31
	2265	0.015		53	0.21
	2267	0.26		19	0.003
	2268A	0.08	Nayachak No. 587	97	0.27
	2268B	0.01		98A	0.04
	2269	0.09		99	0.015
	2270	0.065		98B	0.12
	2271	0.08		95	0.07
	2272	0.015		88	0.04
	2276	0.33		89	0.02
	2281	0.06		87	0.06
	2337	0.13		86	0.03
	2339	0.345		120	0.40
	2340A	0.44		127	0.01
	2340B	0.18		128	0.15
	2361	0.12		129	0.003
	2362	0.005		160	0.10
	2367	1.358		159	0.06
	2360	0.01		157	0.005
	2353	0.15		158	0.002
	2355	0.065		166	0.01
	2357	0.015		167	0.21
Lutia No. 589	2356	0.002		241	0.10
	78	0.30		168	0.025

[No. 31/47/63-ONG-vl.]

B. SUBHA RAO, Under Secy.

*new Delhi, the 7th May 1964*

**S.O. 1683.**—Whereas by a notification of the Government of India in the Ministry of Mines and Fuel S.O. No. 2502 dated the 22nd August, 1963 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) read with S.O. Nos. 3135 and 303 dated the 29th October, 1963 and 18th January, 1964 respectively, the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines;

And whereas the competent authority has, under sub-section (i) of section 6 of the said Act, submitted report to the Government;

And whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands, shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration in the Indian Refineries Limited free from all encumbrances,

## SCHEDULE

State—Uttar Pradesh

Tehsil—Mirzapur

District—Mirzapur

Vil	Survey No.	Extent B. B.	Village	Survey No.	Extent B
1. Sindhoura	668	0 2 0	6. Hurwa	1571/1 1768	0 1 15 0 0 5
2. Belwan	1696 1764 1769	0 10 5 0 10 10 1 7 10	7. Rajpur	243	0 7 10
3. Pahari Bhoj Pur	117 123 143/2	0 2 0 0 11 0 0 0 10	8. Kaudiara	265/2	0 3 10
4. Jhingura	558	0 1 0	9. Berohi	1920 1921 1922	0 13 5 0 0 5 0 0 10
5. Chaura	40/2	0 0 5	10. Bhatewra	743	0 0 15

[No. 31/50/63-ONG.]

**S.O. 1684.**—Whereas by a notification of the Government of India in the Ministry of Mines and Fuel S.O. No. 2501, dated the 22nd August, 1963 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) read with S.O. Nos. 3136, 302 and 628 dated the 29th October, 1963, 18th January, 1964 and 13th February, 1964 respectively, the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands, shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration in the Indian Refineries Limited free from all encumbrances.

## SCHEDULE

State—Uttar Pradesh

Tehsil—Chunar

District—Mirzapur

Village	Survey No.	Extent B. B. B.	Village	Survey No.	Extent B.
1. Kunda Deah	39/1 45/3	0 2 0 0 0 10	4. Nakahra	651/2	0 1 10
2. Kashipur	532/3	0 4 15	5. Barewan	104/1	0 1 5
3. Dixitpur	92	0 5 10	6. Bharatha	633 637	0 6 15 0 0 10

[No. 31/50/63-ONG.]

## CORRIGENDA

New Delhi, the 8th May 1964

**S.O. 1685.**—In the Schedule to the notification of the Government of India in the Ministry of Petroleum and Chemicals S.O. No. 558 dated the 6th February, 1964 published in the Gazette of India Part II Section 3 Sub-section (ii) dated the 15th February, 1964.

(1) At page 783 for "Survey Nos. 249/2M and 2282/2 M of village Dariabad" read "Survey Nos. 249 M and 228/2/2 M of village Dariabad" respectively.

(2) At page 784 (i) for "extent  $\frac{B-B-B}{0-10-15}$  against Survey No. 30 M of village Rasoolpur Nawabad" read  $\frac{B-B-B}{0-1-15}$  against Survey No. 30 M of village Rasoolpur Nawabad".

(ii) for "Survey No. 50 M/3 of village Kasari Masari" read "Survey No. 50 M of village Kasari Masari".

(3) At page 785 (i) Out of Survey Nos. 197 M with  $\frac{B-B-B}{0-3-5}$  of village Rajroop Pur printed twice, one of them may be treated as deleted.

(ii) for "extent  $\frac{B-B-B}{0-6-5}$  against Survey No. 19/6 M" read "extent  $\frac{B-B-B}{0-2-5}$  against Survey No. 19/6 M of village Deoghat".

(iii) for "Extent  $\frac{B-B-B}{1-13-10}$  against Survey No. 119 M" read "Extent  $\frac{B-B-B}{0-13-10}$  against Survey No. 119 M of village Ibrahimpur Bamrauli".

(iv) for "Extent  $\frac{B-B-B}{0-3-5}$  against Survey No. 125 M" read "Extent  $\frac{B-B-B}{0-0-5}$  against Survey No. 125 M of village Mander Deh Mafi".

(4) At page 786 for "extent  $\frac{B-B-B}{0-3-0}$  against Survey No. 73 M read "extent  $\frac{B-B-B}{0-2-0}$  against Survey No. 73 M of village Chirla Sahbaz".

(5) At page 787 for "Survey No. 3304 M/3" read "Survey No. 3304 M of village Said Sarawan".

(6) At page 788 for "extent  $\frac{B-B-B}{0-4-0}$  against Survey No. 612 M" read "Extent  $\frac{B-B-B}{0-4-10}$  against Survey No. 612 M of village Mahgaon Uparhar".

(7) At page 790 for "Survey No. 1456 M/2" read "Survey No. 1456 M/1 of village Ashrafpur Taluka Ahadullahpur".

(8) At page 791 for "extent  $\frac{B-B-B}{0-5-0}$  against Survey No. 148 M" read "extent  $\frac{B-B-B}{0-5-10}$  against Survey No. 148 M of village Faridpur Tappa Malak".

[No. 31/50/63-ONG.]

**S.O. 1686.**—In the Schedule to the notification of the Government of India in the Ministry of Petroleum and Chemicals S.O. No. 1089 dated the 19th March, 1964 published in the Gazette of India Part II Section 3 Sub-section (ii) dated the 28th March, 1964;

At page 1322 for "Survey No. 1965 extent  $\frac{B-B-B}{0-5-0}$  read "Survey No. 1975 extent

$\frac{B-B-B}{0-5-0}$

[No. 31/50/63-ONG.]

P. P. GUPTA, Under Secy.

## MINISTRY OF HEALTH

*New Delhi, the 7th May 1964*

**S.O. 1687.**—In exercise of the powers conferred by sub-section (2) of section 8 of the Provident Funds Act, 1925, (19 of 1925), the Central Government hereby makes the following amendment in the notification of the Government of India in the late Department of Education Health and Lands No. 43-6/37-H, dated the 3rd June, 1937, namely:—

In the said notification, for the words “non-pensionable permanent employees of the Medical Council of India” appearing at the end of the sentence, the following words shall be substituted, namely:—

“non-permanent employees of the Medical Council of India including those appointed on a fixed term or contract basis.”

[No. F. 5-44/61-MI/MPT.]

## ORDERS

*New Delhi, the 7th May 1964*

**S.O. 1688.**—Whereas the Government of India in the Ministry of Health has, by notification No. 16-41/61-MI, dated the 23rd July, 1962, made in exercise of the powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), recognised the medical qualification M.D. granted by the University of Kansas, U.S.A., for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby specifies the period of two years with effect from the date of this order or so long as Dr. George Perry Fosmire who possesses the said qualification, continues to work in the Creighton-Freeman Christian Hospital, Vrindaban, Uttar Pradesh, to which he is attached for the time being for the purposes of teaching, research or charitable work, whichever is shorter, as the period to which the medical practice of the said Dr. George Perry Fosmire shall be limited.

[No. F. 32-13/64-MPT.]

**S.O. 1689.**—Whereas the Government of India in the Ministry of Health has, by notification No. 17-2/60-MI, dated the 25th April, 1960, made in exercise of the powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), recognised the medical qualification M.D. granted by the University of Colorado School of Medicine for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby specifies the period of two years with effect from the date of this order or so long as Dr. Paul W. Yardy who possesses the said qualification, continues to work with the Free Methodist Mission, Yeotmal, Maharashtra, to which he is attached for the time being for the purposes of teaching, research or charitable work, whichever is shorter, as the period to which the medical practice of the said Dr. Paul W. Yardy.

[No. F. 32-24/64-MPT.]

**S.O. 1690.**—Whereas the Government of India in the Ministry of Health has, by notification No. F. 16-6/61-MI, dated the 22nd July, 1961, made in exercise of the powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), recognised the medical qualification “Candidatus-Medicine (University of Oslo, Norway)” for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby specifies the period of two years with effect from the date of this order or so long as Dr. Ragnar Egil Ofstad who possesses the said qualification, continues to work in the Mohulapahar Christian Hospital, Mohulapahar to which he is attached for the time being for the purposes of teaching, research or charitable work, whichever is shorter, as the period to which the medical practice of the said Dr. Ragnar Egil Ofstad shall be limited.

[No. F. 16-6/61-MI/MPT.]

B. B. L. BHARADWAJ, Under Secy.

*New Delhi, the 11th May 1964*

**S.O. 1691.**—In exercise of the powers conferred by sections 12 and 33 of the Drugs Act, 1940 (23 of 1940), the Central Government, after consultation with the Drugs Technical Advisory Board, hereby makes the following rules further to amend the Drugs Rules, 1945, the same having been previously published as required by the said sections, namely:—

1. These rules may be called the Drugs (Sixth Amendment) Rules, 1964.
2. In the Drugs Rules, 1945 (hereinafter referred to as the said rules), in sub-rule (1) of rule 96, after clause (vi), the following clause shall be inserted, namely:—

“(vii) Drugs specified in Schedule P and their preparations including combinations with other drugs shall bear on their labels the date of manufacture and the date of expiry of potency. The period between these two dates shall not exceed that laid down in the said Schedule under the conditions of storage notified by the licensing authority under sub-rule (1) of rule 59:

Provided that this period may be extended by the licensing authority specified in clause (b) of rule 21 in respect of any specified drug if satisfactory evidence is produced by the manufacturer to justify such an extension.

3. After Schedule N of the said rules, the following Schedule shall be inserted, namely:—

**“SCHEDULE P”**

(See rule 96)

*Life period of drugs*

Name of the Drug	Period in months for which the drug is expected to retain its potency under the conditions of storage notified by the Licensing Authority specified in sub-rule (1) of rule 59
Andrenaline for Injection	12 months
Anti-haemophilic Human Globulin	12 months
<b>ANTIBIOTICS</b>	
Penicillin crystalline	24 months
Penicillin Oil and wax	18 months
Procaine Penicillin G.	36 months
Penicillin tablets and lozenges	12 months
Penicillin Ointments	12 months
Potassium Phenoxymethyl Penicillin Tablets	18 months
Benzathine Penicillin G.	36 months
Streptomycin Sulphate or Hydrochloride	48 months
Dihydrostreptomycin Sulphate or Hydrochloride	48 months
Streptomycin and Dihydrostreptomycin Sulphate or Hydrochloride	48 months
Streptomycin or Dihydrostreptomycin Tablets	24 months
Streptomycin or Dihydrostreptomycin Ointment	24 months
Chloramphenicol Capsules and tablets	60 months
Chloramphenicol Palmitate	48 months
Chloramphenicol Palmitate Oral Suspension	48 months

Name of the Drug	Period in months for which the drug is expected to retain its potency under the conditions of storage notified by the Licensing Authority specified in sub-rule (1) of rule 59
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Chlortetracycline Hydrochloride (Crystalline)	60 months
Chlortetracycline Hydrochloride Capsules	60 months
Chlortetracycline Hydrochloride Tablets	24 months
Chlortetracycline Hydrochloride Ointments	24 months
Tetracycline Hydrochloride	36 months
Tetracycline	24 months
Tetracycline Hydrochloride for intramuscular use	36 months
Tetracycline Hydrochloride Capsules	36 months
Tetracycline Capsules	24 months
Tetracycline or Tetracycline Hydrochloride tablets	24 months
Oxytetracycline Hydrochloride	36 months
Oxytetracycline Hydrochloride Capsules	36 months
Oxytetracycline Hydrochloride Tablets	24 months
Bacitracin powders	18 months
Bacitracin or Zinc Bacitracin (tablets)	12 months
Bacitracin or Zinc Bacitracin lozenges	12 months
Demethyl Chlortetracycline Hydrochloride	36 months
Demethyl Chlortetracycline Hydrochloride capsules	36 months
Arsenicals like Neoarsphenamine Sulpharsphenamine and Tryparsamide }	60 months
Chorionic Gonadotrophin and Injection	24 months
Cobra Venom in solution	3 months
Concentrated Human Red Blood Corpuscles	12 hours
Corticotrophin	24 months
Dextran Injection	60 months
Dextran Sulphate Injection	24 months
Ergonovine Maleate Injection	24 months
Heparin Injection	36 months
Human Fibrin Foam	36 months
Human Fibrinogen	36 months
Human Thrombin	36 months
 INSULIN PREPARATIONS	
Globulin Zinc Insulin Injection	24 months
Insulin Injection	24 months
Insulin Zinc Suspension	24 months
Isophane Insulin Injection	24 months
Protamine Zinc Insulin Injection	24 months
Liquid Extract of Ergot	12 months
Liver Extract Crude Injection	24 months.
 NORMAL HUMAN PLASMA	
Liquid Plasma	24 months
Frozen Plasma	60 months
Dried Plasma	60 months
Pituitary Posterior Injection	18 months
Oxytocin Injection	24 months



Name of the Drug	Period in months for which the drug is expected to retain its potency under the conditions of storage notified by the Licensing Authority specified in sub-rule (1) of rule 59
Vasopression Injection	24 months
Protein Hydrolysate	12 months
Dried Normal Human Serum Albumin	60 months
Liquid Normal Human Serum Albumin	60 months
<b>PERTUSSIS IMMUNE HUMAN SERUM</b>	
Liquid Serum	12 months
Lyophilised Anti-snake Venom Serum	60 months
Lyophilised Schick Test Toxin and Control	60 months
Sterilised surgical ligature and suture	60 months
Thrombin (Bovine Origin)	36 months
Alum Precipitated Diphtheria Toxoid	24 months
Alum Precipitated Diphtheria and Tetanus Toxoid	24 months
Alum Precipitated Diphtheria and Tetanus Toxoid and Pertussis Vaccine combined	18 months
Alum Precipitated Tetanus Toxoid	24 months
Aluminium Hydroxide Adsorbed Diphtheria Toxoid	24 months
Aluminium Hydroxide Adsorbed Diphtheria and Tetanus Toxoid	24 months
Aluminium Hydroxide Adsorbed Diphtheria and Tetanus Toxoid & Pertussis Vaccine combined	18 months
Aluminium Hydroxide Adsorbed Tetanus Toxoid	24 months
Aluminium Phosphate Adsorbed Diphtheria Toxoid	24 months
Aluminium Phosphate Adsorbed Diphtheria and Tetanus Toxoid	24 months
Aluminium Phosphate Adsorbed Diphtheria Toxoid, Tetanus and Pertussis Vaccine combined	18 months
Diagnostic Diphtheria Toxins (Schick test)	12 months
Inactivated Diagnostic Diphtheria Toxin	12 months
Old Tuberculin	60 months
Tetanus Toxoid	24 months
Tuberculin PPD	60 months
Vaccine Lymph	6 months when stored at 0°C and 3 months when stored between 0° to 5°C and 14 days when stored below 10°C.
<b>OTHER VACCINES</b>	
Alum precipitated pertussis vaccine	18 months
B.C.G. Vaccine	14 days
Cholera Vaccine	18 months
Pertussis Vaccine	18 months
Plague Vaccine	36 months
Rabies Vaccine	6 months

Name of the Drug	Period in months for which the drug is expected to retain its potency under the conditions of storage notified by the Licensing Authority specified in sub-rule (1) of rule 59
Typhoid Vaccine	18 months
Typhoid and Paratyphoid Vaccine	18 months
Typhoid Paratyphoid A & B	18 months
Typhoid Paratyphoid A, B & C	18 months
Typhoid Paratyphoid A, B & C and Tetanus Vaccine	18 months
Typhus Vaccine	12 months
Yellow Fever Vaccine	12 months
Viper Venon in solution	3 months
Whole Human Blood	2 weeks

**ANTITOXIN**

(For salt extracted preparations)				(For enzyme digested preparations)			
20%	excess	potency	12 months	5%	excess	potency	12 months
30%	"	"	24 "	10%	"	"	24 "
40%	"	"	36 "	15%	"	"	36 "
50%	"	"	48 "	20%	"	"	48 "

[No. F. 1-7/62-D.]

BASHESHAR NATH, Under Secy.

**MINISTRY OF EXTERNAL AFFAIRS***New Delhi, the 7th May 1964*

**S.O. 1692.**—The President is pleased to appoint Shri Muni Lal, Director, Ministry of External Affairs, to officiate as Controller General of Emigration with effect from April 25, 1964 vice Shri S. K. Banerji, on tour ex-India.

[No. CPEO/16/64-V.IV/578/8/64.]

S. K. CHATTERJEE,  
Attache (PVA).